

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54652 of 2021

Arising Out of PS. Case No.-462 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. RAMCHANDRA MAHTO S/o LATE SARJUG R/o VILLAGE-AMAITHA TOLA MANGOSAR, P.S-SARAIYA, DISTRICT- MUZAFFARPUR.
2. MUNCHUN MAHTO @ MUNCHUN KUMAR S/o RAMCHANDRA MAHTO R/o VILLAGE-AMAITHA TOLA MANGOSAR, P.S-SARAIYA, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55840 of 2021

Arising Out of PS. Case No.-462 Year-2021 Thana- SARAIYA District- Muzaffarpur

ARTI KUMARI @ ARTEE DEVI @ ARTI DEVI W/o Vakil Mahto Resident of Village - Amaitha Tola Mangosar, P.S.- Saraiya, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54652 of 2021)

For the Petitioner/s : Mr. Prashant Kumar, Adv

For the Opposite Party/s : Mr. Dilip Kr. No.1, APP

(In CRIMINAL MISCELLANEOUS No. 55840 of 2021)

For the Petitioner/s : Mr. Prashant Kumar, Adv

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within



stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners filed a counter-affidavit in the present case in Court. The same is accepted and kept in record.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 363, 365, 34 of the Indian Penal Code.

Allegedly, the petitioners along with other accused persons kidnapped the minor daughter of the informant with an intention to kill her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The petitioner namely Ramchandra Mahto is an old man about 75 years old and he is suffering from paralysis. There is no specific allegation against the petitioners. There is no evidence in the present case and their names transpired in the present case merely on suspicion. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail applications.



Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the victim is a minor and she has not been recovered yet, I am not inclined to grant bail to the petitioners. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

However, petitioner namely Ramchandra Mahto is directed to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law, considering the fact that he is aged about 75 years and suffering from paralysis.

(Anjani Kumar Sharan, J)

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