

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12942 of 2023

Arising Out of PS. Case No.-1034 Year-2021 Thana- SITAMARHI District- Sitamarhi

1. Bindeshwar Mahto Son Of Ram Julum Mahto Resident Of Village - Bhutahi, P.S.- Sonbarsa, District - Sitamarhi.
2. Nilam Devi Wife Of Bindeshwar Mahto Resident Of Village - Bhutahi, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma

For the Opposite Party/s : Mr. Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioners is that they along with one co-accused Bittu Kumar had kidnapped the daughter of the informant.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against these petitioners. He submits that the petitioners are named in the



F.I.R. except that no substantive material available on records to suggest that the petitioners are involved in this matter. He further submits that the petitioners no. 1 and 2 are father and mother of co-accused Bittu Kumar. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against these petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sitamarhi P.S. Case No.1034 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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