

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18002 of 2023

Arising Out of PS. Case No.-235 Year-2021 Thana- BARHIYA District- Lakhisarai

1. Indu Devi Wife Of Prem Shankar Sao @ Pintu Sao Resident Of Village - Lohra, Ward No.- 11, P.S.- Barahiya, District - Lakhisarai
2. Badal Kumar Son Of Prem Shankar Sao @ Pintu Sao Resident Of Village - Lohra, Ward No.- 11, P.S.- Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Anand

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners seeks permission
to not press this application with regard to petitioner no.2 as he is
minor.

3. Permission is accorded.

4. Now, this application is being heard only with regard
to petitioner no.1.

5. Heard learned counsel for the petitioner no.1 and
learned APP for the State.

6. The petitioner no.1 is apprehending her arrest in a
case registered for the offences punishable under Sections 363 and
365/34 of the Indian Penal Code pending in the learned court
below.

7. As per the prosecution case petitioner along with
other co-accused persons are said to have kidnapped the minor girl



of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the informant and accused are coparcenary and the whole family of the petitioner has been implicated in this case only the harrass and to take undue advantage with respect to the undivided property. He submits that there is no compliance of Section 41(A) of the Cr.P.C.. He submits that in the entire case diary there is no independent witness has supported the prosecution case. He further submits that petitioner have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the victim was minor which is clear from the statement of the victim recorded under Section 164 Cr.P.C.. Hence, she does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail in connection with Barhiya P.S. Case No. 235/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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