

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22847 of 2023

Arising Out of PS. Case No.-348 Year-2021 Thana- BATHNAHA District- Sitamarhi

1. GEETA DEVI WIFE OF HARI NARAYAN MAHTO Resident of village - Tilangi, P.S. - Sonbarsa, Distt. - Sitamarhi (Bihar)
2. HARI NARAYAN MAHTO SON OF GOPI MAHTO Resident of village - Tilangi, P.S. - Sonbarsa, Distt. - Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.
For the Opposite Party/s : Mr.Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 8 of the Prevention of the Children from Sexual Offences Act.

3. Allegedly, petitioners are said to have involved in the kidnapping of the informant's sister.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to



ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no concern with the alleged occurrence. There is no eye-witness in the present case. They have been made accused in the present case merely because they are parents of the co-accused Arvind Kumar, who kidnapped the informant's sister. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that petitioners were also involved in the present case.

6. Having regard to the facts and circumstances of the case, as petitioner no.1 is a lady, the above named petitioner no.1, be released on bail, in the event of her 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 Bathnala P.S. Case No. 348 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As the victim is still traceless, I am not inclined to



enlarge the petitioner no.2 on bail. The prayer for bail of the
petitioner no. 2 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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