

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27786 of 2023**

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHISHI District- Saharsa

1. JAWAHAR THAKUR S/O LATE RAMDEV THAKUR R/V- Mahishi, Ward No.- 12, P.S.- Mahashi, District- Saharsa.
2. SANJU DEVI W/O JAWAHAR THAKUR R/V- Mahishi, Ward No.- 12, P.S.- Mahashi, District- Saharsa.
3. ANIL KUMAR S/O JAWAHAR THAKUR R/V- Mahishi, Ward No.- 12, P.S.- Mahashi, District- Saharsa.
4. KHUSHBOO KUMARI D/O JAWAHAR THAKUR R/V- Mahishi, Ward No.- 12, P.S.- Mahashi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      25-08-2023                      1.      Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The informant alleges that on 17.02.2022, her minor daughter was kidnapped by Sunil Kumar Thakur.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No. 4 is a women.
4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case being father, mother, brother and sister of Sunil, it is next



submitted that Sunil and the victim were in love and they eloped, it is also submitted that the victim is a major though in the FIR it is alleged that she is a minor, it is further submitted that police after threadbare investigation came to a considered conclusion that the petitioners have been falsely implicated in the present case but then the learned Trial Court in a mechanical manner differing with the police report, took cognizance under provisions of I.P.C. and the S.C.S.T. Act, learned counsel further submits that when one investigating agency, after carrying threadbare investigation, came to a considered conclusion that the petitioners are innocent, would it be prudent to send the petitioners to jail, on the same set of investigation, based on which cognizance was taken.

5. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioners and submits that no doubt, the issue raised by the learned counsel for the petitioners appears to be attractive on the face of it but then since cognizance has been taken under S.C.S.T. Act, as such, the anticipatory bail application is not maintainable.

6. Learned counsel for the petitioners, realizing his difficulty, seeks permission to withdraw the anticipatory bail application.



7. Permission is accorded.

8. However, it is made clear that in the event if the petitioners surrenders on or before 19.09.2023, the learned Trial Court shall dispose of the case on the same day keeping in mind that police, after investigation, came to a considered conclusion that the petitioners are innocent and thus submitted final form in their favour and based on the same investigation report, cognizance came to be taken, the learned Trail Court shall also keep in mind the submissions of the learned counsel for the petitioners recorded hereinabove.

**(Satyavrat Verma, J)**

HarshPandey/-

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