

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40536 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- MUFFASIL District- West Champaran

1. UMESH MAHTO S/O LATE RAMA MAHATO Resident of village- Mahana Gani, P.S.- Bettiah, Muffasil, District- West Champarna.
2. USHA DEVI W/O UMESH MAHTO Resident of village- Mahana Gani, P.S.- Bettiah, Muffasil, District- West Champarna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 27-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 366A of the
Indian Penal Code and Section 8 of the POCSO Act pending in
the learned court below.

As per the F.I.R., all the accused persons kidnapped
the daughter of the informant for the purpose of marriage.

Learned counsel for the petitioners submits that the
petitioners are innocent and have been falsely implicated in this
case. He further submits that petitioners are mother and father of
the co-accused Vikas Kumar. He submits that there is no
specific overt act against the petitioners. He further submits that



during course of investigation, it has come that the victim girl was in love with Vikash Kumar. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the victim girl is not recovered yet. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail in connection with Bettiah Muffasil P.S. Case No. 208 of 2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering the fact that there is no specific overt act against the petitioners.

(Anjani Kumar Sharan, J)

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