

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41868 of 2022

Arising Out of PS. Case No.-72 Year-2020 Thana- SONBERSA District- Sitamarhi

AMARJEET KUMAR @ FEKAN MAHTO SON OF RAM BABU MAHTO
R/O VILLAGE- HARIHARPUR, P.S.- SONBARSA, DISTRICT-
SITAMARHI Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Sonbarsa P.S.
Case No. 72 of 2020 registered for the offences punishable
under Section 363/366A of the Indian Penal Code pending in the
Court of learned Additional District Judge-VI cum Special
Judge (POCSO), Sitamarhi.

The daughter of the informant is said to have been
kidnapped by the petitioner in association of other co-accused
with ulterior motive.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case. It is further submitted that the
victim in her statement recorded under Section 164 Cr.P.C. has
clearly stated that she eloped with the petitioner out of her



sweet will and solemnized marriage with him and blessed with a one year child. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioners have got two criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner of kidnapping the daughter of the informant and solemnizing marriage with her as also the fact that from the materials available on record, it is clear that the victim is minor. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of case and the materials available on record, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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