

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46046 of 2023

Arising Out of PS. Case No.-249 Year-2021 Thana- BHAGWANPUR District- Vaishali

1. MUKESH MAHTO SON OF SURILAL MAHTO VILLAGE RAMPUR ASURAR, PS- BHAGWANPUR, DIST- VAISHALI
2. SURILAL MAHTO @ SURENDRA MAHTO SON OF LATE HAZARI MAHTO VILLAGE RAMPUR ASURAR, PS- BHAGWANPUR, DIST- VAISHALI
3. TUNNI MAHTO SON OF MADUL MAHTO @ BINDESHWAR MAHTO RESIDENT OF VILLAGE- PIYARMA, PS- LALGANJ, DIST- VAISHALI
4. SONU MAHTO SON OF LATE RAMSWAROOP MAHTO RESIDENT OF VILLAGE- PIYARMA, PS- LALGANJ, DIST- VAISHALI
5. NARAYAN MAHTO SON OF JALDHARI MAHTO RESIDENT OF VILLAGE- PIYARMA, PS- LALGANJ, DIST- VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. GOPAL PRASAD MAHTO SON OF LATE RAUSHAN MAHTO RESIDENT OF VILLAGE- RAMPUR ASURAR, PS- BHAGWANPUR, DIST- VAISHALI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2023 Heard the parties.

2. Vide order dated 26.06.2023, the bail application of the petitioners was dismissed by this Court on account of non-prosecution.

3. The petitioners apprehends their arrest in connection with Bhagwanpur P.S. Case No. 249 of 2021, registered for the offence punishable under Sections 363 and 366 of the Indian



Penal Code.

4. The allegation against the petitioners is that they are involved in the kidnapping of the daughter of the informant.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners are the family members and friend of the co-accused Rahul Kumar. He submits that the parties have compromised. Petitioner no.2 has one criminal antecedent whereas rest of the petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.PC.

7. Having regard to the facts and circumstances of the case as well as considering the statement of victim recorded under section 164 of the Cr.PC, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.



8. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law, considering the fact that the parties have compromised.

(Anjani Kumar Sharan, J)

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