

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54232 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- GAUNAHA District- West Champaran

1. HARI NARAYAN KUAR @ HARI NARAYAN KUSHWAHA @ HARI NARAYAN RAUT Son of Late Dashai Kuar Resident of Village - Ahrar Pipra, P.S.- Gaunaha, District - West Champaran.
2. Sanmati Devi Wife of Hari Narayan Kuar @ Hari Narayan Kushwaha @ Hari Narayan Raut Resident of Village - Ahrar Pipra, P.S.- Gaunaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in connection with
Gaunaha P.S. Case No.209 of 2022, registered for the offence
punishable u/s 363/366(A) of the IPC read with section 8 of the
POCSO Act.

3. Allegedly, the F.I.R. named accused persons including
the petitioners are said to have kidnapped the minor daughter
of the informant.

4. 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 due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation of kidnapping the daughter of the informant is against the co-accused Manoj Kuar and the petitioners are the father and mother of the said Manoj Kuar and used to live separately from their son. It is further submitted that the alleged occurrence is said to have taken place on 22.09.2022 and the F.I.R. was lodged on 25.09.2022 i.e. after delay of three days. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the victim is a minor and still traceless.

6. Having regard to the facts and circumstances of the case, since the victim is still traceless, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law,



considering that petitioners are the father and mother of the co-
accused and there is no specific overt act against them.

(Anjani Kumar Sharan, J)

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