

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60990 of 2022**

Arising Out of PS. Case No.-651 Year-2021 Thana- SITAMARHI District- Sitamarhi

1. ANIL MAHTO Son of Raghunandan Mahto Resident of village- Belasar, P.S- Vaishali (O.P- Belsar), Dist.- Vaishali
2. Rina Devi Wife of Anil Mahto Resident of village- Belasar, P.S- Vaishali (O.P- Belsar), Dist.- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Yogesh Chandra Verma, Sr. Adv. |
|                          | : | Mr. Dr. Bipin Chandra, Adv.        |
| For the Opposite Party/s | : | Mr. Madhura Nand Jha, APP          |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      28-02-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 365 of the Indian Penal Code pending in the learned court below.

As per the FIR, the son of the informant aged about 24 years had gone outside and did not come back, even after search he could not be traced. Accordingly, the present FIR was registered relating to disappearance of his son.

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 not named in the



FIR. He submits that during the investigation the names of the petitioners were transpired on the confessional statement of the daughter of the petitioners. He further submits that no any witness has supported the prosecution case. 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 it is not a fit case for anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail in connection with Sitamarhi P.S. Case No. 651/2021. 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 and petitioner no.2 is a lady.

**(Anjani Kumar Sharan, J)**

ajay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

