

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80910 of 2023

Arising Out of PS. Case No.-18 Year-2019 Thana- KOPA District- Saran

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1. SUNITA DEVI @ SUNITA MAHTO W/O LALAN MAHTO VILLAGE/MOHALLA- MANSAR, BIND TOLI, PS. KOPA, DISTT. SARAN.
 2. LALAN MAHTO S/O LATE RAMDEO MAHTO VILLAGE/MOHALLA- MANSAR, BIND TOLI, PS. KOPA, DISTT. SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

3. Allegedly, petitioner no.1 along with co-accused Vinod Kumar is said to have kidnapped the informant's minor daughter and took her to Kolkata where petitioner no.2 is employed in a jute mill.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have been made accused in the present case merely because they are the parents of co-accused Binod Kumar. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that from bare perusal of the FIR, it is evident that petitioners are involved in the present case as there is direct allegation against petitioner no.1 that she took the victim to Kolkata, but when the informant along with other went to petitioner no.2 in Kolkata, they found petitioner no.1 there and when the informant asked her about her daughter, both the petitioners told her that co-accused Binod Kumar and her daughter are not residing here and they had fled away. It is further submitted that as the victim is still traceless, both the petitioners do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kopa P.S. Case No. 18 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is direct allegation against petitioner no.1 that she took the victim to Kolkata, I am not inclined to enlarge petitioner no.1 on anticipatory bail.

8. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

9. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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