

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29689 of 2024

Arising Out of PS. Case No.-962 Year-2023 Thana- BARACHATTI District- Gaya

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1. Kartik Kumar S/O Shankar Malalkar R/O Village- Sarwan Bazar, P.S- Barachatti, Distt.- Gaya.
 2. Parwati Devi W/O Shankar Malakar R/O Village- Sarwan Bazar, P.S- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sonam Kumari D/O Sri Manoj Bhagat R/O Village- Sarwan Bazar, P.S- Barachatti, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh
For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

2. The petitioners apprehend their arrest in Barachatti P.S. Case No. 962 of 2023 registered for the offences punishable under Sections 341, 323, 376, 504, 506 and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. Allegation against the petitioners is that they along with other co-accused persons helped one Ganesh Malkar in kidnapping the minor daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that



petitioner no. 1 is bother and petitioner no. 2 is mother of the co-accused Ganesh Malakar. He further submits that there is specific allegation against co-accused Ganesh Malakar, who established physical relationship with the informant and also forcefully married her. The petitioners have got no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender 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, considering the fact that the petitioners have no criminal antecedent, there is no specific overt act against the petitioners and petitioner no. 2 is a female.

(Anjani Kumar Sharan, J)

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