

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36145 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- BARUN District- Aurangabad

1. Awadhesh Mahto Late Ram Chandar Mahto Village- Hetampura, P.S.- Barun, Dist- Aurnagabad
2. Malti Devi Wife Of Awadhesh Mahto Village- Hetampura, P.S.- Barun , Dist- Aurnagabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Barun P.S. Case No. 320 of 2023 dated 11.07.2023, instituted for the offence punishable under Section 366(A) of the Indian Penal Code.

3. The prosecution case, in short, is that the complainant in his complaint petition has alleged that on 22.05.2023 at about 06:00 pm his co-villager Manish Kumar had kidnapped her daughter with the help of his parent Awadesh Mehta and Malti Devi (petitioners).

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is submitted that earlier informant has also lodged a case against the petitioners having same allegation bearing Barun P.S. Case No. 113 of 2023 in which petitioners sons have been granted bail by this Hon'ble Court on 31.01.2024 vide Criminal Miscellaneous No. 613 of 2023. It is submitted that occurrence took place on 23.05.2023 but the complaint was lodged on 21.06.2023 i.e., almost after about a month without giving any reason for the delay. It is submitted that in the earlier case the victim did not support the allegation against the main accused and as such, the main accused Manish Kumar was granted bail by order dated 31.01.2024 passed in Criminal Miscellaneous No. 613 of 2023 by a co-ordinate Bench of this Court. Petitioners have been made accused merely on the basis that they are the parents of Manish Kumar. Lastly, it has been submitted that they have no criminal case except Barun P.S. Case No. 113 of 2023 which has been lodged by the same informant in which they are on bail.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Barun P.S. Case No. 320 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIth -cum- Exclusive Spl. Judge POCSO Act, Aurangabad, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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