

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64431 of 2024

Arising Out of PS. Case No.-122 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. JAI HIND MEHTA @ JAY NARAYAN MEHTA S/O LATE KISHUN PRASAD MEHTA R/o Ramnagar Bharna, P.S.- Nauhatta, Distt.- Saharsa
2. SIKANDAR KUMAR S/O JAI HIND MEHTA @ JAY NARAYAN MEHTA R/o Ramnagar Bharna, P.S.- Nauhatta, Distt.- Saharsa
3. RAVINDRA KUMAR S/O JAI HIND MEHTA @ JAY NARAYAN MEHTA R/o Ramnagar Bharna, P.S.- Nauhatta, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajesh Kumar S/o Ramjee Mehta R/o vill - Laxminia, P.O - Hardi, P.S. and Distt. - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 1. 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 offence punishable under Sections 363, 366A of the Indian Penal Code & Section 8 of POCSO Act.

3. Learned counsel for the petitioners submits that petitioner no.1 and 3 are persons with clean antecedent and petitioner no.2 has antecedent of two cases and the informant alleges that his daughter aged about 16 years was staying at Saharsa in a lodge for coaching, further on 08.02.2020, she went



for coaching but did not return, during search, it transpired that she was kidnapped by Manohar Mehta in connivance of the accused persons including the petitioners.

4. The learned counsel submits that petitioners have been falsely implicated in the instant case by the informant being related to Manohar. It is further submitted that police after threadbare investigation came to a considered conclusion that petitioners are innocent and thus submitted Final Form No.135/2020 dated 05.03.2020 (Annexure-3) exonerating the petitioners of the allegations but the learned trial court differing with the police report took cognizance and thus petitioners apprehend their arrest. It is also submitted that victim has not supported the case of the prosecution.

5. The learned counsel next submits that when one investigating agency has come to a considered conclusion after threadbare investigation that petitioners are innocent whether it would be prudent for this court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report, which had found the petitioners innocent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Saharsa Sadar P.S. Case No.122/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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