

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20841 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- KANTI District- Muzaffarpur

1. Rajendra Mahto Son of Late Shio Narayan Mahto Resident of Village- Godai Phulkahan, P.S.- Kanti, District- Muzaffarpur
2. Ajay @ Ajay Kumar Son of Gonaur Mahto Resident of Village- Godai Phulkahan, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Kanti P.S. Case No. 464 of 2023 registered for the offences punishable under Sections 363 and 366(A)/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The informant alleges that on 21.06.2023 in the night, her daughter and daughter of her brother-in-law were missing. On inquiry and search, it transpired that her co-villagers Poojan Kumar, Kusmi Devi and Devkal Devi were



involved in kidnapping of both the victims.

5. Learned counsel for the petitioners submits that petitioners are not named in the FIR and they came to be implicated after the victims' return and the statement was recorded u/s 164 of the Cr.P.C. wherein they disclosed that even the petitioners were involved in the occurrence and they were confined in a house. It is next submitted that the entire family members have been implicated in the instant case on account of dispute relating to grazing of goat. It is also submitted that the police did not recover the victim rather the victim came back, it is next submitted that the victims on their own had gone to their grandmother's place when the instant FIR came to be instituted. It is also submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence that they were not involved in the alleged occurrence.

6. Learned APP 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, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, (West) Muzaffarpur in connection with Kanti P.S. Case No. 464 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is further made clear that if charge-sheet is submitted connecting the petitioners with the offence in that event present anticipatory bail shall be rejected.

10. Accordingly, the application stands allowed.

(Satyavrat Verma, J)

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