

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80141 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- BELA District- Sitamarhi

Janarsi Devi W/O Naresh Mukhiya Resident Of Village - Khairwa, Ward No 7, P.S - Bela, Dist.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyama DEvi W/O Chandeshwar Mukhiya Resident Of Village - Khairwa, Ward No 7, P.S - Bela, Dist.- Sitamarhi

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 89394 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- BELA District- Sitamarhi

Naresh Mukhiya S/o- Chand Mukhiya @ Sri Chand Mukhiya Resident Of Village- Khairwa, Ward No 7, Ps-Bela Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyama Devi W/o- Chandeshwar Mukhiya Resident Of Village- Khairwa, Ward No 7, Ps-Bela Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80141 of 2024)

For the Petitioner : Mr. Arvind Kumar Jha, Advocate

For the State : Ms. Gulnar Begum, APP

For Opposite Party No.2 : Mr. Virendra Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 89394 of 2024)

For the Petitioner : Mr. Arvind Kumar Jha, Advocate

For the State : Ms. Sharda Kumari, APP

For Opposite Party No.2 : Mr. Virendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-03-2025 Since both these applications arise out of the same

P.S. case number, they are being taken up together and disposed

of by this common order.



2. Heard learned counsels for the parties.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363, 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

4. As per prosecution case, it is alleged that these petitioners, along with other persons named in the F.I.R., kidnapped minor daughter of informant on gun point. It is further alleged that they also snatched cash and gold jewelry.

5. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and has committed no offence. Petitioners have falsely been implicated in this case with ulterior motive. It is further submitted that the victim has refused medical examination, which itself creates doubt over the prosecution case.

6. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. with specific accusation that they, along with co-accused person, kidnapped minor daughter of informant. It is further submitted that the victim in her statement



recorded under Section 164 of the Cr.P.C. has supported the prosecution case and has categorically stated that these petitioners were also sitting inside the Scorpio car by which she was kidnapped.

7. Considering the aforesaid facts and circumstances, specific and direct nature of accusation and statement of the victim recorded under Section 164 of the Cr.P.C., the prayer for grant of anticipatory bail to these petitioners is rejected.

(Prabhat Kumar Singh, J)

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