

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78433 of 2018

Arising Out of PS. Case No.-338 Year-2018 Thana- SIKARPUR District- West Champaran

1. Golu Kumar, son of Raju Sah, Resident of Mohalla- Gita Press P.S.- Gorakhpur, District- Gorakhpur(U.P)
2. Gorakh Kumar, son of Kishori Sah, Resident of Village- Purani Gudari, P.S.- Bettiah Town , District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Sri Anuj Kumar Srivastava (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-01-2019 Heard learned counsel for petitioners and learned counsel for the State.

Petitioner, who are in custody, seek bail in connection with Shikarpur P.S. Case No. 338 of 2018 registered for the offences punishable under Sections 363, 370/34 of the Indian Penal Code.

Informant has alleged in his written complaint that his minor daughter Prachi Kumari was going to attend coaching classes and in her way petitioners enticed and kidnapped her and therefore were taking her to Bettiah meanwhile police came and apprehended them.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They have been falsely implicated in this case. Statement of victim girl has been recorded under Section 164 of Cr.P.C. in which



she had denied of any abduction or kidnapping or being enticed away by the petitioners. She has stated that due to anger she had left her home and petitioners help her in going to Narkatiyaganj. It has been further submitted that victim girl is major and she was medically examined and no sexual assault was found upon her. Petitioners have no criminal antecedent and are in custody since 05.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 338 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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