

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2838 of 2020

Arising Out of PS. Case No.-18 Year-2013 Thana- MORO District- Darbhanga

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1. Navin Kumar Choudhary Son of Late Ram Pukar Choudhary Resident of Village - Patori, P.S.- Moro, Distt - Darbhanga.
 2. Praveen Kumar Choudhary Son of Late Ram Pukar Choudhary Resident of Village - Patori, P.S.- Moro, Distt - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Choudhary Son of Awadhesh Choudhary Resident of Village - Patori, P.S.- Moro, Distt - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 27-02-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in C.R.Case No. 1302 of 2017, T.R. No. 3844 of 2019, arising out of Moro P.S. Case No. 18 of 2013, registered for the offence under Section 365/366 and 34 of the Indian Penal Code.

In the complaint petition, it is alleged that when complainant returned after watching his field, he did not see his wife, though, his children were sleeping, and in course of search, he came to know that petitioners alongwith others had kidnapped her wife and kept her at unknown place.

It is submitted on behalf of petitioners that petitioners have falsely been implicated due to previous enmity. It is further submitted that police after investigation submitted final form earlier in this case, but the case proceeded on protest



petition and the learned court below, after inquiry under Section 202 Cr.P.C., took cognizance against the petitioners. There is no specific allegation against the petitioners. No eye-witness to the alleged occurrence. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with C.R. Case No. 1302 of 2017/T.R. No. 3844 of 2019, arising out of Moro P.S. Case No. 18 of 2013 on the following conditions:

“(1) Petitioners shall cooperate 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 the Court and on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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