

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33195 of 2021

Arising Out of PS. Case No.-62 Year-2021 Thana- SHEOHAR District- Sheohar

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1. RAM SAKHI DEVI W/o Niranjana Prasad Gupta Resident of Village - Shivhar Ward No. -3, P.S. and District - Sheohar.
 2. Rohit Kumar S/O Niranjana Prasad Gupta Resident of Village - Shivhar Ward No. -3, P.S. and District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Sheohar P.S. Case No. 62 of 2021 registered for the offence under Sections 366(A) and 34 of the Indian Penal Code.

The petitioners along with their family members are alleged to have abducted the daughter of the informant for the purpose of performing marriage.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, petitioner No.1 happens to be mother of petitioner No.2, who is brother of Rahul Kumar, who was having love affairs between the daughter of the informant. As a matter of fact, the victim in her statement recorded under Section 164 Cr.P.C. has denied the entire allegation against the petitioners and she specifically stated that she has voluntarily performed marriage with Rahul Kumar. Hence, no case under Section 366A of the Indian Penal Code is made out against these petitioners. The petitioners are rotting in judicial custody since 15.02.2021 and 14.02.2021, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 62 of 2021 with the following conditions:-



(1) 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 the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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