

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24999 of 2022

Arising Out of PS. Case No.-307 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. SABILA KHATOON @ SAVILA KHATUN WIFE OF RIJAIL IK R/O VILLAGE- NARHARPUR, WARD NO.-5, M. BASAHA, P.S.- BAJPATTI, DISTRICT- SITAMARHI
2. MD. RIZAUL HAQUE @ REJAUL HAK SON OF MD. SAGIR R/O VILLAGE- NARHARPUR, WARD NO.-5, M. BASAHA, P.S.- BAJPATTI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Mahendra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Bajpatti, P.S. Case No. 307 of 2021 registered for the offence under Sections 363, 366(A), 354, 323/34 of IPC and later on Section 8 of POCSO Act has been added.

The accused/petitioners are named in the F.I.R. and are in custody since 22.03.2022.

The allegation against the petitioner is to kidnap the



minor daughter of the informant along with other co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioners submitted that only reason to implicate the petitioners in the present case is that petitioner no.1 is aunty and petitioner no.2 is uncle of the petitioner. It is also submitted that thrust of allegations as regard to kidnapping is against main co-accused, namely, Md. Danish and Md. Shiraz. It is also submitted that allegation is limited that when the occurrence was reported to the petitioners, informant was assaulted thereof and admittedly there is no involvement of petitioner in kidnapping. It is also submitted that petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel of informant, while opposing the prayer of bail, fairly conceded the fact that thrust of allegation as regard to kidnapping, is against co-accused Md. Danish and Md. Seraj, as per F.I.R.

Considering the facts and circumstances as mentioned above, as the petitioners are parents of one of the co-accused Md. Seraj having no involvement, *prima facie*, with the present



set of kidnapping as appears from the F.I.R., coupled with the fact that petitioners are man of clean antecedent , where charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Bajpatti, P.S. Case No. 307 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Session Judge-VI, Sitamarhi, subject to the following conditions:

(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Md. Ayas, who is the father of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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