

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29171 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- PATAHI District- East Champaran

1. SHAMBHU SINGH S/o Brahmchari Singh
2. SONI DEVI W/o Shambhu Singh
Both R/o village- Murtiya, P.S.- Adapur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363,366(A) of IPC and Section 8 of POSCO Act.

The prosecution case, in short, is that on 16.02.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 15 years.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been



implicated in the present case. Further submits that it appears from the FIR that the allegation of abduction is against co-accused, namely, Jitendra @ Jokhan and the petitioners are father and mother of co-accused Jitendra. Further submits that it appears from the FIR that there is no accusation of any assault or any complaint against these petitioners and only on the basis that the petitioners are father and mother of co-accused namely Jitendra @ Jokhan, they have falsely been implicated in the present case.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the girl is still traceless.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Patahi P.S. Case No. 39 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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.

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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