

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31140 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- JOGBANI District- Araria

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1. MD SHAHRUKH @ SARUKH
 2. Md. Fardeen
Both S/o Md. Sakimuddin
Both Resident of Village- Sabalpur Kashim Tola, P.S.- Morkahi, District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikalp, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 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 learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 365,366(A),120(B)/34 of the Indian Penal Code and Section 8 of POSCO Act.

The minor daughter of the informant is alleged to have been kidnapped by the accused persons.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely



been implicated in the present case. Further submits that in fact the petitioners are not named in the FIR. The name of the petitioners has been transpired only on the basis of suspicion. Further submits that in fact the petitioners are the brother of co-accused Sarfaraz @ Mitu. Further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has not named the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 01.04.2022.

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 petitioners, above named, 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 Jogbani (Bathnaha) P.S. Case No.21 of 2022, 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 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 antecedent, 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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