

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35291 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- HATHAURI District- Muzaffarpur

1. Surendra Sah S/O- Ram Shrestha Sah Resident Of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.
2. Shivshankar sah s/o ganeshi sah resident of village- mahuli, p.s.- Hathauri, district- muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate.

For the Opposite Party/s : Mr. Dr. Indivar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sanjay Kumar @ S.K, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Hathauri P.S. Case No. 94 of 2022, for the offences punishable under Sections 341, 323, 324, 327, 363, 364, 504 and 506/34 of the Indian Penal Code.

The FIR is based on a written report alleging therein that villagers of Mahuli village including the petitioners forcefully brought the husband of the informant on a motorcycle



in a different village with intention to kill and extort money.

It is submitted by the learned counsel appearing on behalf of the petitioners that in fact general and omnibus allegation has been levelled against all the FIR named accused of keeping the husband of the informant in illegal confinement, however, during the course of investigation the statement of the husband was recorded under Section 164 of the Cr.P.C., wherein he admitted this fact that the accused persons including the petitioners are agent and investors of the Co-operative Society Limited and despite of maturity of the scheme the deposited money could not be given to him due to which they have confined the husband of the informant illegally. He himself disclosed that later on his mobile was given to him and thereupon he informed the police and his family member. He further submitted that in the aforesaid backdrop, the petitioners having fair antecedent except one Hathauri P. S. Case No. 95 of 2022 besides the present one,, which arises out of same incidence, instituted by the police, there is no other criminal cases. The petitioners are in custody since 25.03.2022 and the investigation of the crime is already completed.

On the other hand learned APP for the State vehemently opposes the bail application.



Regard being had to the submissions made on behalf of the parties and considering the statement of the husband of the informant recorded under Section 164 of Cr.P.C. and apart from the period of incarceration and the fair antecedent of the petitioner, except one stated herein above, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar learned Magistrate 1st Class, Muzaffarpur, in connection with Hathauri P.S. Case No. 94 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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