

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41217 of 2022

Arising Out of PS. Case No.-692 Year-2019 Thana- SUPAUL District- Supaul

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1. Md.Ibrahim S/O Late Janual Resident of village- Baratola Kareho, P.S.- Supaul, District- Supaul.
 2. Jamila Khatoon W/O Md. Ibrahim Resident of village- Baratola Kareho, P.S.- Supaul, District- Supaul.
 3. Md. Mahabob Alam S/O Ibrahim Resident of village- Baratola Kareho, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 365, 366 and 34 of the Indian Penal Code.

According to the prosecution case, the daughter of the informant was kidnapped by the co-accused, namely, Raja @ Ritik Raj along with other unknown persons.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact, the daughter-in-law of the informant and Raja @ Ritik Raj who is the



son of the petitioner No. 1 was in love affair and on the basis of that the present F.I.R. instituted against the son of the petitioner No. 1 and other family members of the petitioners. He further submits that the police after investigation submitted the final form in favour of the petitioners on 26.06.2021 but the learned Judicial Magistrate, Supaul differ with the final form and has taken cognizance against the petitioners on 16.12.2021. He further submits that the victim lady was in love with the son of the petitioner No. 1 and the petitioners have no role at all in the present occurrence.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners and submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has taken the name of the petitioner No. 1 .

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Supaul P.S. Case No. 692 of 2019, 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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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