

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41486 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- LAURIA District- West Champaran

1. Pradeep Bhagat @ Pradeep Mali Son of Late Asharfi Bhagat Resident of village - Mishra Tola Lauriya, P.S. - Lauriya, District - West Champaran.
2. Rabri Devi Wife of Pradeep Mali @ Pradeep Bhagat Resident of village - Mishra Tola Lauriya, P.S. - Lauriya, District - West Champaran.
3. Sindhu Kumari @ Sindhu Devi Daughter of Pradeep Mali @ Pradeep Bhagat Resident of village - Mishra Tola Lauriya, P.S. - Lauriya, District - West Champaran.
4. Bhoj Bhagat @ Mali @ Bhoj Mali Son of Ramesh Mali @ Ramesh Bhagat Resident of village - Byaspur, P.S. - Lauriya, District - West Champaran.
5. Ramesh Mali @ Ramesh Bhagat Son of Resident of village - Byaspur, P.S. - Lauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr.A.G., A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504, 506, 363, and 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

According to prosecution case, the petitioners have entered in the house of the informant and on the point of gun taken away the minor daughter of informant which is falsified in the light of Section 164 of Cr.P.C. statement of the victim.



Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the specific allegation against the co-accused namely Rajendra Mali alias Maharaj Mali. He further submits that the present FIR was instituted after delay of four days without any explanation of delay and the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not said anything against these petitioners and the petitioners are family members of the co-accused namely Sindhu Kumari and they have no concern at all with the alleged occurrence. He further submits that the police officials have submitted a charge-sheet in favour of these petitioners but the Court below differed with the police report as took cognizance to the real apprehension of these petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Balther Police Station Case No. 48 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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,
his 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.

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 petitioner. 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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