

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41518 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- SABAUR District- Bhagalpur

1. Parwati Devi Wife of Kailash Das @ Kailash Harijan Resident of Village - Fajilpur Danda Bazar, P.S.- Goradih, District - Bhagalpur.
2. Neeraj Das Son of Kailash Das @ Kailash Harijan Resident of Village - Fajilpur Danda Bazar, P.S.- Goradih, District - Bhagalpur.
3. Kailash Das @ Kailash Harijan Son of Rudal Das Resident of Village - Fajilpur Danda Bazar, P.S.- Goradih, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
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 Section 366A and 34 of the Indian Penal Code.

According to prosecution case, that on 21.04.2022 informant's villagers Vipin Kumar, Parwati Devi, Niraj Das and Kailash Harijan having common intentijon have kidnapped the minor daughter of informant for the purpose of marrying her



against her will and he was being threatened to kill.

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 the petitioners are family members of the co-accused Vipin Kumar. He further submits that the police after investigation submitted the final form in favour of the these petitioners but the learned Court below differed with the final form as taken cognizance on 13.07.2022.

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 Sabour (Goradih) P.S. Case No. 139 of 2022 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 his 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 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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