

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43555 of 2022

Arising Out of PS. Case No.-504 Year-2021 Thana- KANTI District- Muzaffarpur

1. TUNTUN RAI Son of Shivjee Rai.
2. Smt. Lalti Devi @ Lalti Devi Wife of Tuntun Rai.
Both are Resident of Village - Sadatpur (Sadatpur Bajhila), P.S.- Kanti,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 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 Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,354,354B, 379/34 of IPC.

The prosecution case is that, on 10.07.2021 the informant's daughter was allegedly kidnapped under a conspiracy by the petitioners and regarding that incident, informant's son-in-law lodged FIR in Turki O.P. on



02.08.2021 and when the informant went to complain the incident at the house of the petitioner No.1 then the petitioners got annoyed and dragged the informant having caught hold her hair and brutally assaulted her by lathi, danda and also snatched her god chain.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case only on the basis of the same FIR instituted by the son-in-law of the informant. Further submits that in fact earlier the son-in-law of the informant of the present case lodged Kudhani P.S.Case No.512 of 2021 so he filed the present case to make pressure to withdraw the case and the petitioners have been granted bail in Kudhani P.S.Case No.512 of 2021. Learned counsel for the petitioners submits that it appears from the FIR that the allegation, as alleged in Kudhani P.S.Case No. 512 of 2021, is reiterated in the present FIR and there is no specific allegation against these petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned court below where the case is pending in connection with Kanti P.S. Case No.504 of 2021, 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 bonds 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 antecedents, 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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