

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54172 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- SURSAND District- Sitamarhi

Binod Malik S/O Singheshwar Malik R/o village- Manikchowk, P.S.-
Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63645 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- SURSAND District- Sitamarhi

Pramod Mallik Son of Late Nagina Mallik Resident of Village- Riga Imali
Bazar, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54172 of 2021)

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

(In CRIMINAL MISCELLANEOUS No. 63645 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 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 four weeks of start of normal functioning of the
physical court.

Petitioners seek bail in a case registered for the



offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

According to prosecution case, the informant Meena Devi filed a written complaint before S.H.O. of Sursand police station alleging therein that on 11.03.2021 the daughter of informant namely Sapna Kumari aged about 16 years had gone see Mela near Balkeshwar Asthan, the informant said to earlier return home but she did not return then the informant started searched then she know that Sapna Kumari was kidnapped by accused persons named in the F.I.R.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that the date of occurrence was 11.03.2021 but the present F.I.R. was lodged on 13.03.2021 after delay of two days without any explanation of delay. He further submits that the victim girl was examined under section 164 Cr.P.C. but she does not disclose the name of the petitioners and she has stated that three unknown persons had kidnapped her. He further submits that it appears from the case diary that the victim girl has refused for medical examination and police after investigation submitted the charge



sheet against the petitioners under section 363, 366A/34 of the Indian Penal Code. The petitioners are in custody since 14.03.2021.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Sursand P.S. Case No. 112 of 2021, subject to 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, their 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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