

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57253 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- SATHI District- West Champaran

1. Bablu Miya S/O Late Adalat Miya R/O Village-Dhamoura, P.S-Sathi, District-West Champaran.
2. Khatoon Nesha @ Khtoon W/O Bablu Miya R/O Village-Dhamoura, P.S-Sathi, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

Mr. Vikas Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 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, 366(A)/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

According to prosecution case, on 12.07.2021 one Sumit Kumar Jha gave a self written statement in which he stated that on 10.07.2021 evening petitioners alongwith others came in Bolero vehicle at his door with arms and forcefully



kidnapped his minor sister namely Bhavya Jha, who is 14 years old and studying in class 9th, for the purpose of marriage and ransom. He further states that during his inquiry he dialed on the mobile of Abulaish, then he abused him and threaten him to do what he can do.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the reason that they are parents of the boy who is in love with the so called victim girl. He further submits that during investigation nothing has come against the petitioners. The petitioners are in custody since 19.07.2021.

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 Sathi P.S. Case No. 123 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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