

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49857 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- KOILWAR District- Bhojpur

1. NIRMAL KUMAR Son of Shivdeep Singh Resident of Village - Kheri, P.S.-
Agiaon, District - Bhojpur
2. Chandan Kumar Son of Shivdeep Singh Resident of Village - Kheri, P.S.-
Agiaon, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 363, 366(A)/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant namely Shailesh Kumar Singh that her daughter aged about 13 years namely Sairmi Singh disappeared on 06.04.2022 at about 1:30 P.M. from the residential house. On search it came to know that she is abducted by the accused persons with the intention of



marriage.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case only on the ground that the petitioners are family member of co-accused Manoranjan Kumar Singh. He further submits that in fact the son of the petitioner no. 1 and victim girl was in love and they have performed the marriage with their own sweet and will and the petitioners have no concern at all with the alleged occurrence. He further submits that the victim girl recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she performed the marriage with co-accused who is son of petitioner no. 1 and she has not stated anything about the present petitioners.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his 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/- (Rupees 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 Koilwar P.S. Case No. 237 of 2022, 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 witness, 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 antecedents, 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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