

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57943 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- RAGHUNATHPUR District- Siwan

1. Lilavati Devi W/O-Shyam Bihari Sah Village of residents Gavhirar, P.S- Raghunathpur, District- Siwan
2. Minta Devi Wife of Kariman Sah Village of residents Gavhirar, P.S- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 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 Sections 363, 366A/34 of the Indian Penal Code but the police after investigation submitted chargesheet against under Sections 363, 366A/34 of the Indian Penal Code and Section 8/17 of the POCSO Act.

The prosecution case, in short, is that on 21.03.2022, the family members of Munna Sah are alleged to have kidnapped the minor daughter of the informant namely Neha Kumari.



Learned counsel for the petitioners submits that in fact the victim was in love with co-accused Amit Sah God and the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she has performed marriage with co-accused Amit Sah God. He further submits that as per Matriculation Certificate the victim is major and the petitioner no. 1 is grand-mother and petitioner no. 2 is *Aunti* of co-accused Amit Sah God and they have no concern with the alleged occurrence.

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

Considering the facts and circumstances of the case as well as statement of the victim girl recorded under Section 164 of the Cr. P.C., 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/- (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 Raghunathpur P.S. Case No. 62 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 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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