

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64812 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- MOTIPUR District- Muzaffarpur

1. JITENDRA KUMAR @ Jitendra Mahto Son of Sita Ram Mahto Resident of village - Godai Phulkaha, P.S.- Kanti, District - Muzaffarpur. At present residing at Purani Bazar Motipur, P.S.- Motipur, Dist. - Muzaffarpur.
2. Kajal Kumari Daughter of Ram Babu Mahto Resident of village - Godai Phulkaha, P.S.- Kanti, District - Muzaffarpur. At present residing at Purani Bazar Motipur, P.S.- Motipur, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2022 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.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 366(A) of the Indian Penal Code.

The case relates to recovery of one country made pistol along two live cartridges and one mobile phone.



Learned counsel appearing for the petitioner submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits that the alleged occurrence took place on 31.05.2021 whereas the F.I.R has been instituted on 08.06.2021 after lapse of almost eight days without explaining the plausible delay which creates doubt over the prosecution version. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she has voluntarily left her house and nobody has abducted her. He further submits that as a matter of fact, the victim was having love affair with one Suraj Kumar and they voluntarily fled away but these petitioners have not played any role in the alleged occurrence. The petitioner is rotting in judicial custody since 23.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Motipur P.S. Case No. 185 of 2021 with 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 canceled 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 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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