

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69981 of 2021

Arising Out of PS. Case No.-508 Year-2021 Thana- NAGAR District- Vaishali

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1. SUNITA DEVI W/o Harindra Das R/o village- Godhiyar, P.S.- Sakra, Distt.- Muzaffarpur
 2. Bablu Kumar S/o Harindra Das R/o village- Godhiyar, P.S.- Sakra, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 20-10-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioners seek bail in connection with Hajipur Town P.S. Case No. 508 of 2021 registered for the offences punishable under Sections 365, 366(A)/34 of the Indian Penal code.

As per prosecution case, on 28.06.2021 informant's daughter went to market but she did not return. Informant has suspicion that petitioners have kidnapped her daughter with bad intention.

Learned counsel for the petitioners submits that



petitioners are in custody since 09.07.2021. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that son of petitioner no. 1 and brother of petitioner no. 2 namely Dablu Kumar has love affair with the informant's daughter. Being mother and younger brother of co-accused Dablu Kumar, petitioners have falsely implicated in this case. Petitioners have nothing to do with the said occurrence. Name of present petitioners have falsely been implicated merely on suspicion. Petitioners are next door neighbour. The son of petitioner no. 1 namely Dablu Kumar and informant's daughter fled away and performed their marriage on 10.07.2021 and made an affidavit before the Notary Public Muzaffarpur and they are living separately and spending their conjugal life. Learned counsel further submits that victim in her statement under Section 164 of the Cr.P.C. has stated nothing against the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the



petitioners, the victim has stated nothing against the petitioners in her statement and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Nagar P.S. Case No. 508 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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