

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5577 of 2023

Arising Out of PS. Case No.-876 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. KHURSAID MISTRI @ KHURSHID MISTRI Son of Md. Kirafat Resident of village - Murliyachak Ward No.- 3, P.S.- Sitamarhi, Dist.- Sitamarhi
2. Md. Ijhar Son of Khursaid Mistri @ Khurshid Mistri Resident of village - Murliyachak Ward No.- 3, P.S.- Sitamarhi, Dist.- Sitamarhi
3. Jamal Rain @ Md. Jamal Raeen Son of Md. Khursaid Mistri @ Khurshid Raeen Resident of village - Murliyachak Ward No.- 3, P.S.- Sitamarhi, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Sitamarhi P.S. Case No. 876 of 2022 registered for the offence under Sections 363, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The minor daughter of the informant is alleged to have been kidnapped by the petitioners and others.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He



further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has denied the allegation as alleged in the F.I.R. and she has clearly stated that she herself gone out of her house with sweet will and no one had abducted her. Hence, no case of abduction is made out against the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 07.11.2022.

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 A.D.J.- VI -cum- Special Judge (POCSO Act), Sitamarhi in connection with Sitamarhi P.S. Case No. 876 of 2022 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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