

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16467 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- GAYA MUFASIL District- Gaya

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1. Shiv Jee Kumar @ Shiv Kumar Son of Ashok Sao @ Ashok Prasad R/V- Saraiya Sanaut, P.S- Muffasil Dist- Gaya
 2. Suraj Kumar Son of Tun Saw @ Tunu Saw @ Dinesh Prasad R/V- Saraiya Sanaut, P.S- Muffasil Dist- Gaya

... .. petitioners/s

Versus

1. The State of Bihar
2. Shailendra Singh Son of Bindeswar Singh R/V- Shankar Bigha P.S- Wazirganj Dist- Gaya

... .. Opposite Party/s

Appearance :

For the petitioners/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Nikhil Singh, Advocate
For the Opposite Party/s :		Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seeks bail who are in custody since 24.01.2023 in connection with Muffasil P.S. Case No. 182 of 2022, F.I.R. dated 22.03.2022 for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code but the police have submitted charge sheet under Section 366(A) of the Indian Penal Code and Section 8 of the POCSO Act, 2012.

According to prosecution case, these petitioners along with other accused persons have kidnapped the cousin (victim)



of the informant when she was returning from her coaching.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present 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 offences as alleged in the F.I.R. He further submits that the statement of the victim girl was recorded under Section 161 as well as 164 of the Cr.P.C. and in both the statement the victim has narrated different story and even she had not identified the petitioners. He further submits that the medical report of the victim suggests that the victim was a minor and the medical report does not support any allegation as alleged in the statement recorded under Section 164 of the Cr.P.C. The petitioners are in custody since 24.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Judicial Magistrate 1st Class, Gaya in connection with Muffasil P.S. Case



No. 182 of 2022, subject to 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 cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, 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 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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