

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39575 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- TURKAULIYA District- East Champaran

1. RAKESH BAITHA Son of Late Chirkut Baitha Resident of village - Dhobhi, P.S. - Harsidhi, Distt. - East Champaran
2. Savita Devi Wife of Rakesh Baitha Resident of village - Dhobhi, P.S. - Harsidhi, Distt. - East Champaran
3. Rajesh Baitha @ Rajesh Kumar Son of Rakesh Baitha Resident of village - Dhobhi, P.S. - Harsidhi, Distt. - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Turkauliya P.S. Case No. 29 of 2023 registered for the offences punishable under Section 363 of the Indian Penal Code and under Sections 6 and 8 of the POCSO Act. They have got no criminal antecedent.

3. As per the prosecution story, on 07.01.2023 when the daughter of the informant had gone to the field the named accused persons kidnapped her and fled away on a four wheeler vehicle.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the informant of this case claims that she as an eye-witness of the alleged occurrence which took place on 29.12.2022 but the FIR has been lodged 9 days after the alleged occurrence on 08.01.2023 and it is the submission of learned counsel for the petitioners that these petitioners are father, mother and brother of the boy- Nandan Kumar with whom the daughter of the informant seems to have gone, learned APP for the State submits that in the case diary no other person has claimed to have seen the alleged occurrence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Turkauliya P.S. Case No. 29 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 6th A.D.J.-cum-Special Judge, Motihari, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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