

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41171 of 2022

Arising Out of PS. Case No.-281 Year-2021 Thana- SAHPUR District- Bhojpur

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1. Shiv Shankar Upadhya Son Of Late Jitan Upadhya R/O Village- Semaria, P.S.- Shahpur, District- Bhojpur At Ara
 2. Usha Devi Wife Of Shiv Shankar Upadhya R/O Village- Semaria, P.S.- Shahpur, District- Bhojpur At Ara

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate
For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 363, 366(A), 379/34 of the Indian Penal Code.

According to prosecution case, in brief, is that the informant Champa Devi on 07.09.2021 when she was returning from the school situated at Yadav Tola having finishing the work of cooking. The informant was alleged that her brother, Shiv Shankar Upadhyay and his wife Usha Devi and his sons Uma Shankar Upadhyay and Satyendra Upadhyay with conspiracy have taken away her daughter and the informant has further



alleged that in the room she does not found the ornamental articles which was kept in the boxes. The informant tried her best to find out her daughter but all went in vain.

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 in fact the petitioners are the maternal uncle and aunt of the victim and it appears from the F.I.R. that the petitioners have falsely been implicated in this case only on the basis of suspicion. He further submits that the victim girl suo-moto appear and her statement which was recorded under Section 164 Cr.P.C. in which she has categorically stated that no one has abducted her and petitioners have no role at all with the alleged occurrence as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 13.10.2021.

The learned Additional Public Prosecutor for the State 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 Court



below where the case is pending in connection with Shahpur
P.S. Case No. 281 of 2021, 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 tamper 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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