

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44999 of 2023

Arising Out of PS. Case No.-284 Year-2023 Thana- Motihari Mufasil District- East
Champaran

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1. Raja Kumar Son Of Raju Sahani Resident Of Village -Bhatha, Ps- Muffasil Motihari, Distt- East Champaran
 2. Mantu Kumar @ Mantu Kumar Sahani Son Of Jokhu Sahani Resident Of Village -Bhatha, Ps- Muffasil Motihari, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Informant : Mr. Pravin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 12.04.2023 in connection with Motihari Muffasil P.S. Case No. 284 of 2023, F.I.R. dated 11.04.2023 for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code and Section 8 of POCSO Act.

3. According to prosecution case, the informant Sanoj Sahani alleging therein that on 11.04.2023 at about 7:30 p.m. while his daughter, aged about 16 years was going to attend call of nature in the meantime all F.I.R. named accused persons including the petitioners kidnapped his daughter.

4. 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 petitioners have not committed any offence as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that petitioners have not committed anything wrong with her. He further submits that merely on the basis of suspicion the name of these petitioners have falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 12.04.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that there is sufficient material has come during investigation against these petitioners.

6. 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 6th Additional Sessions Judge-cum-Special Judge,
POCSO Act, East Champaran at Motihari in connection with
Motihari Muffasil P.S. Case No. 284 of 2023, 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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