

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45385 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. KAMARE ALAM DARJI @ KAMRE ALAM Son of Manger Darji @ Mangal Darji Resident of Village - Muraliya Chak, P.S.- Sitamarhi, District - Sitamarhi.
2. Guddu Darji Son of Manger Darji Darji @ Mangal Darji Resident of Village - Muraliya Chak, P.S.- Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Sitamarhi P.S. Case No. 97 of 2022 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

As per prosecution case, informant's minor daughter has been kidnapped by petitioners and others.

Learned counsel for the petitioners submits that petitioners are in custody since 12.02.2022. Petitioners bear no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioners are innocent and have committed no offence as alleged in the F.I.R. Petitioners are falsely implicated in this case because they are the elder brothers of co-accused Gulab Darji. Learned counsel for the petitioners further submits the no whispering has been made against the petitioners by the victim in her statement under Section 164 of the Cr.P.C. and no act of inducement is alleged against any of the petitioners as the statement of victim indicates that she called the co-accused Gulab Darji. Nothing article or victim girl has been recovered from the conscious possession of the petitioners. Learned counsel further submits that from perusal of statement under Section 164 of the Cr.P.C., the victim was found major.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners, argument advanced on behalf of the parties and also



taking into consideration the material available on record, let the petitioners above named be released on bail 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 Chief Judicial Magistrate I/C, Sitamarhi in connection with Sitamarhi P.S. Case No. 97 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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