

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46940 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Bebi Kumari @ Beby Devi Wife of Bechan Yadav Resident of village - Laxmipur, ward no. 21, P.S. - Udakishunganj, Distt. - Madhepura
 2. Neelam Devi Wife of Prabhavah Yadav Resident of village - Laxmipur, ward no. 21, P.S. - Udakishunganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 13.05.2023 in connection with Udakishunganj P.S. Case No. 140 of 2023, F.I.R. dated 12.05.2023 for the offences punishable under Sections 365, 366A/34 of the Indian Penal Code.

3. According to prosecution case, the informant alleged that these petitioners have kidnapped the minor daughter of the informant for the purpose of marriage.

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 the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she has gone with the petitioners on her own sweet will and both the petitioners are lady. He further submits that it has come during investigation that the medical was not conducted and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 13.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the 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 Additional Chief Judicial Magistrate I, Udakishunganj, District- Madhepura in connection with Udakishunganj P.S. Case No. 140 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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