

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47581 of 2022

Arising Out of PS. Case No.-281 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Hasina Khatoon W/O Jiyaul Dewan R/O Village- Pakahi Tola Ward No.-7,
P.S.- Ghorasahan, District- E. Champaran
 2. Jiyaul Dewan Son Of Late Juman Dewan R/O Village- Pakahi Tola Ward
No.-7, P.S.- Ghorasahan, District- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 363, 366(A)/34 of the
Indian Penal Code and Sections 8 of the POCSO Act.

The prosecution case, in short, is that on 31.05.2022,
accused persons including the petitioner are alleged to have
kidnapped the minor daughter of the informant aged about 14
years.

Learned counsel for the petitioners submits that the
petitioners have clean antecedents and they have been falsely
implicated in the present case on the ground that the petitioners



are father and mother of co-accused Kamir Dewan. He further submits that it appears from the F.I.R. that there is no specific allegation of abducting against the petitioners and only on the basis of suspicion the name of the petitioners have been falsely implicated in the present F.I.R. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has not stated anything about the petitioners and during investigation no other cogent material has come against the petitioners. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 03.06.2022.

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

Vide order dated 16.12.2022, the provisional bail granted to the petitioner no. 1 is hereby confirmed.

As regards the petitioner no. 2, considering the facts and circumstances of the case, let the petitioner no. 2, namely Jiyaul Dewan, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with P. Tr.



No. 47 of 2022 arising out of Ghorasahan P.S. Case No. 281 of 2022, with the following conditions :-

(1) Petitioner no. 2 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, 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 petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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