

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48113 of 2022

Arising Out of PS. Case No.-241 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

1. Md. Sahjad @ Md. Sahjad Alam @ Md. Sahjad (DARJI) S/o Md. Ansari Darji @ Ansarul @ Anjarul @ Mohd. Ansarul Resident of Village- Baligardh, P.S.- Runni Saidpur, District- Sitamarhi.
2. Md. Ansari Darji @ Ansarul @ Anjarul @ Mohd. Ansarul S/o Md. Shahmad (Darji) Resident of Village- Baligardh, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Ramakant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-02-2023 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

According to prosecution case, the petitioners along with other accused persons kidnapped the minor girl of the informant in order to drag her in prostitution or other illegal works.

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 victim girl was recovered and her statement is recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the victim was not kidnapped by anyone and she has not supported the prosecution story as alleged in the F.I.R. He further submits that she has refused for medical examination also. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 14.05.2022.

The learned counsel appearing on behalf of the informant as well as Additional Public Prosecutor have 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 Runni Saidpur P.S. Case No. 241 of 2022, 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 tampers 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 his 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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