

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64855 of 2022**

Arising Out of PS. Case No.-62 Year-2022 Thana- RAGHUNATHPUR District- Siwan

1. MITHILESH KUMAR @ KARIMAN SAH S/o Shyam Bihari Sah R/o village- Gavhirar, P.S.- Raghunathpur, District- Siwan
2. Munna Sah S/o Shyam Bihari Sah R/o village- Gavhirar, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumari Anupam, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      21-04-2023                      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Raghunathpur P.S. Case No. 62 of 2022 dated 27.03.2022 registered for the offence under Sections 363 and 366A of the Indian Penal Code.

The petitioners alleged to have conspired to allure the daughter of the informant to go away with the co-accused, Amit Sah.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case merely on the ground of suspicion. He further submits that the petitioners



happen to be father and uncle of the co-accused, Amit Sah and they have no concern with the alleged occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that it appears that the date of occurrence is of 21.03.2022 and F.I.R. has been registered on 27.03.2022 with explaining the delay. He further contends that in fact, the informant was having love affairs with the son of petitioner No.1 and they have performed marriage and the victim is residing in the house of petitioner No.1. He further submits that the medical report suggest that the victim is major and the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed marriage with son of petitioner No.1. Moreover, the co-accused, namely, Rita Devi and Lilavati Devi along with Minta Devi have already been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2023 and 02.11.2022 passed in Cr. Misc. No. 7372 of 2023 and Cr. Misc. No. 57943 of 2022, respectively. The petitioners are rotting in judicial custody since 28.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned A.C.J.M.-VIII, Siwan in connection with Raghunathpur P.S. Case No. 62 of 2022 with 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 canceled 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.

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 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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