

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55478 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- CHHATAPUR District- Supaul

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1. RAJ KUMAR PASWAN S/O SOHAN PASWAN R/O- KARHAWANA WARD NO.- 10, P.S- CHHATAPUR, DIST- SUPAUL.
 2. SHIVA PASWAN @ SHIV KUMAR SUMAN S/O SOHAN PASWAN R/O- KARHAWANA WARD NO.- 10, P.S- CHHATAPUR, DIST- SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Ranjan Kumar Singh, learned counsel for the petitioners and Mr. Nityanand, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Chhatapur P.S. Case No. 107 of 2023, F.I.R. dated 05.04.2023 registered for the offences punishable under Section 363, 365, 366 of the Indian Penal Code.

3. The prosecution case, in short, is that on 04.03.2023 at about 11:30 A.M. accused persons including the petitioners are alleged to have kidnapped the daughter of the informant from his house and the informant tried to trace out of his daughter, but no any trace could be made.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim was recovered and the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has not supported the case of the prosecution.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 5th, Supaul in connection with Chhatapur P.S. Case No. 107 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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