

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57495 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

-
1. SEETA DEVI @ NIRMALA DEVI Wife of Kari Sah Resident of village - Sarauni, ward no. 1, P.S. - Mahishi, Distt. - Saharsa
 2. Manish Kumar Son of Kari Sah Resident of village - Sarauni, Ward no. 1, P.S. - Mahishi, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Deep, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioners are accuseds in connection with Bakhtiyarpur (Balbahat O.P.) P.S. Case No. 150 of 2023 registered for the offences under sections 363, 364 and 120(B) of the Indian Penal Code lodged on 03.04.2023 by the informant, Bindeshwary Shahani.

3. As per the prosecution story, the allegation is that the accused persons took away the victim boy on motorcycle which was seen by villagers also. Subsequently, the victim boy returned and has named the accused persons. Accordingly, the FIR.

4. In this case, the police submitted final form against the petitioner but cognizance has been taken by the Court.

5. It is important to incorporate paragraph nos. 7 to 9 of the petition which read as follows:-



“7. That Saroni village the Nanihal of Satyam Kumar is 8 K.M. from Police Station- Mahishi and Lahor Chowk where Rajiv Kumar took tempo is only 1.5 K.M. from Saroni. On 07.04.2023 Investigating Officer in the present case (Bakhtiyarpur P.S. Case No.150/2023) came at Saharsha Railway Station at 13.10 P.M. where in C.C.T.V. it appeared that Rajiv Kumar on 01.04.2023 at about 6.35 got down from tempo and wearing Navi Blue Pant and Black T-Shirt alone was coming towards Railway Station. After reaching at Platform went to Platform No.1 and awaited for train and after sometime Raj Rani Express came at Platform No.1 and this boy entered in the train boggy alone. Investigating Officer shown the C.C.T.V. footage to family members including informant. They recognized the boy as their son.

8. That police officers also inquired from Chowkidar of the concerned village as to whether Rajiv Kumar had also left his house without information earlier. Chowkidar too confirmed that Rajiv Kumar is in habit to leave his house without any information and came back after some day.

9. That Dy. S.P. also supervised the case in detail and found that this case is false of fact and directed to submit Final Report. In fact informant has used his son Rajiv Kumar under his instruction to play a role of kidnapped but whole game failed due to C.C.T.V. footage. After knowing



C.C.T.V. footage informant had no option but to advised his son to come back and according Rajiv Kumar came back his home.”

6. From the averment that has been made in the petition, it is clear that as per the C.C.T.V available from the Platform No. 1 of Saharsa Railway Station, the petitioner was alone boarding the Raj Rani Express.

7. Learned APP for the State, on the other hand, opposes the prayer for bail stating that the victim boy has supported the prosecution story.

8. Considering the facts on record, specially paragraphs 7 to 9, the petitioners are in custody since 04.04.2023 (as stated in paragraph 12 of the bail application), they do not have criminal antecedent, cognizance has been taken and will be facing the trial, this Court is inclined to extend them privilege of bail.

9. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Saharsa in connection with Bakhtiyarpur (Balbahat O.P.) P.S. Case No. 150 of 2023, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

