

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57549 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

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1. Md. Sarfaraj @ Md. Sarfaraz Son of Md. Chulhai, Resident Of Village - Parsa Ward No.04, P.S. - Bela, District - Sitamarhi
 2. Ruvida Khatoon ,Wife of Md. Chulhai, Resident Of Village - Parsa Ward No.04, P.S. - Bela, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-12-2023 Heard Mr. Rajendra Prasad Sah, learned counsel
for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bela P.S. Case No. 23 of 2023 registered for the offences punishable under Sections 364A/34 and 120B of the Indian Penal Code.

3. The allegation against the petitioners is of extending help in kidnapping the son of the informant and demand of ransom. During the course of investigation, the dead body of the informant's son was found in an orchard.

4. Learned counsel for the petitioners submits that petitioner no.1, happens to be son of petitioner no.2 and there is



allegation that they are the persons in whose house the deceased was kept by the abductors, which fact has been disclosed by co-accused Krishna Pandit. He further submits that neither there is eyewitness to the alleged occurrence nor any cogent material, suggesting the involvement of the petitioners in the present crime, save and except disclosure made by co-accused Krishna Pandit. He next submits that during the course of investigation, co-accused Ajay Kumar @ Ajay Baitha and others were also arrested by the police and they confessed their involvement in the crime, apart from the participation of the petitioners. Save and except the confession, there is no other material. Moreover, he submits that the confession before the police has no evidentiary value and hit by Section 25/26 of the Indian Evidence Act. He lastly submits that during the course of investigation, the police has submitted charge-sheet against other co-accused persons and the investigation is still continuing against the petitioners.

5. On the other hand, learned counsel for the State opposes the bail application and submits that during the course of investigation, the witnesses have supported the prosecution case and also stated about the involvement of the petitioners in the present crime.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner no.2, Ruvida Khatoon, is neither named in the FIR nor any specific material has come against her, coupled with the fact that she is a lady having no criminal antecedent, let petitioner no.2, Ruvida Khatoon, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi, District-Sitamarhi in connection with Bela P.S. Case No. 23 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be her own/close family members.

7. So far petitioner no.1, Md. Sarfaraj @ Md. Sarfaraz is concerned, this Court is not persuaded to extend him the privilege of anticipatory bail, considering the gravity of the offence. Accordingly, his prayer is rejected.

(Harish Kumar, J)

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