

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60190 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- PURNEA SADAR District- Purnia

1. Kari Bilal @ Hafiz Bilal Son Of Ajij Khan R/O Vill - Badi Bhansar, P.S. - Bhawanipur, Distt. - Purnea
2. Majid Son Of Tahid Khan R/O Vill - Badi Bhansar, P.S. - Bhawanipur, Distt. - Purnea
3. Rustam @ Md. Rustam Son Of Md. Kalimuddin R/O Vill - Badi Bhansar, P.S. - Bhawanipur, Distt. - Purnea

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Raghvendra Kumar Singh, learned counsel for the petitioners as well as Mr. Uma Shankar Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Purnea Sadar P.S. Case No. 266 of 2022, F.I.R. dated 17.04.2022 for the offences punishable under Sections 363/365 of the Indian Penal Code.

3. According to prosecution case, the wife of the informant fled away with the accused persons along with Rs. 50,000/- and some ornaments.

4. 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 allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the petitioners are not named in the F.I.R and the name of the petitioners has been transpired during investigation.

5. Learned counsel for the petitioner further submits that in fact, the informant was in love with the co-accused, Md. Arif and they have performed marriage and the petitioners have no concern at all with the affairs of the co-accused person. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the petitioners and she has only stated that the petitioners were present at the bungalow where she along with the co-accused used to live.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners were also involved in the crime in question and the statement of the victim recorded under Section 164 of Cr.P.C. suggests that the petitioners were present at the bungalow where the victim was living with the co-accused



person.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Purnea in connection with Purnea Sadar P.S. Case No. 266 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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 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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