

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65978 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- LALGANJ District- Vaishali

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1. Babita Devi W/O Deep Kumar Sah @ Deep Narayan Sah R/O Village-Keshopur, P.S- Lalganj, Distt.- Vaishali.
 2. Raj Kumar @ Raj Kumar Sah S/O Deep Kumar Sah @ Deep Narayan Sah R/O Village- Keshopur, P.S- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Sunil Kumar Singh, learned counsel for the petitioners and Dr. Indihar Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Lalganj P.S. Case No. 04 of 2023 F.I.R. dated 01.01.2023 registered for the offences punishable under Sections 365, 366/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons are alleged to have kidnapped the informant's daughter.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and have falsely been



implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the alleged date of occurrence is 04.12.2022 but the present F.I.R. was instituted on 01.01.2023 after delay of 27 days without giving any explanation of delay. He further submits that in fact the daughter of the informant was in love with Vinay Kumar who is son of petitioner no. 1 and brother of petitioner no. 2 and they have been falsely implicated merely on the ground that the daughter of the informant and son of petitioner no. 1 fled away. He further submits that co-accused persons namely Bablu Sah @ Bablu Kumar and Pooja Devi who are son of petitioner no. 1 and daughter-in-law of petitioner no. 1 have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 46079 of 2023.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and they have made accused on the ground that they are the family members of co-accused Vinay Kumar and similarly situated co-accused persons have been granted the privilege of anticipatory bail, 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj PS. Case No. 04 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 witnesses, 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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