

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70797 of 2022

Arising Out of PS. Case No.-33 Year-2016 Thana- KATEYA District- Gopalganj

RAMA HARIJAN S/o Rama Harijan, R/o village- Tiwari Tola, P.S.- Kateya,
Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70887 of 2022

Arising Out of PS. Case No.-33 Year-2016 Thana- KATEYA District- Gopalganj

BIRBAL BEEN @ BIRABLE BEEN S/O BIKAU BIND, Resident of
Village- Tiwari Tola, P.S. Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70797 of 2022)

For the Petitioner/s : Mr.Vyas Kumar Mishra

For the Opposite Party/s : Mr.Anant Kumar 1

(In CRIMINAL MISCELLANEOUS No. 70887 of 2022)

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 05-04-2023 Heard the learned counsel for the petitioners as well
as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection
with Kateya P.S. Case No. 33 of 2016 registered for offence
punishable under sections 365, 304 and 506 of the Indian Penal
Code.



The victim, who is the daughter of the informant, became traceless. As per allegation, she used to go to the house of petitioner Rama Harijan and Shoba Kumari. When the informant went to complain, the accused persons misbehaved with her and also apprised her that her daughter had fled away.

The learned counsel for the petitioners has submitted that the victim, in her statement under Section 164 of the Code of Criminal Procedure, has stated that the petitioners brought her to one Dhandhar and they sold her to him and she lived with him for a period of seven years and she has a child from wedlock of Dhandhar. When the court asked her willingness as to where she wanted to go, she has stated that she wants to go to the house of her Malik Dhandhar.

The petitioner Birbal Been is under custody since 20.09.2022 and petitioner Rama Harijan is under custody since 19.08.2022.

On the other hand, the learned Additional Public Prosecutor has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances as well as the clean antecedents and period of custody, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No.33 of 2016 subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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