

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65153 of 2022

Arising Out of PS. Case No.-193 Year-2022 Thana- SONBERSA District- Sitamarhi

1. Gaya Ram Son Of Ganaur Ram R/O Vill.- Belmohan Pupri, P.S.- Pupri, Distt.- Sitamarhi
2. Pavitri Devi Wife Of Ganaur Ram R/O Vill.- Belmohan Pupri, P.S.- Pupri, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 363, 366A and 504/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

According to prosecution case, one Bittu Ram has
kidnapped the daughter of the informant forcibly for the purpose
of marriage and for illegal work. It is further alleged that when
the informant went at the house of Bittu Ram, then the



petitioners who are his brother and mother have abused him and clearly refused to hand over his daughter.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case on the ground that the petitioners are mother and brother of the co-accused person, namely, Bittu Ram. He further submits that in fact, the son of the petitioner no. 2 namely, Bittu Ram was in love with the victim girl and they have performed marriage. He further submits that the victim is living happily in her matrimonial house. He further submits that during investigation, no other cogent material has come against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 04.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Court below where the case is pending in connection with Sonbarsa P.S. Case No. 193 of 2022, subject to the following conditions:-



1. One of the bailor shall be the victim, namely,
Asmita Kumari wife of Bittu Ram.

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 bond shall be cancelled by the Court below.

2. 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.

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 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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