

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68126 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- NAYAGAON District- Begusarai

1. NUTAN DEVI W/o- DILIP PASWAN village- Safapur Ps- Nayagaown Dist- Begusarai
2. Malbhog Devi @ Malbhogia Devi wife of Ram Bachan Paswan village- Safapur Ps- Nayagaown Dist- Begusarai
3. Dilip paswan son of Ram Bachan Paswan village- Safapur Ps- Nayagaown Dist- Begusarai
4. Nitish Kumar son of Dilip Paswan village- Safapur Ps- Nayagaown Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajdan Bukhari, Adv

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Nayagaon P.S. Case No. 12 of 2022 registered on 27.02.2022
lodged under Sections 366(A) of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against six named accused persons.

4. Counsel for the petitioners submits that specific
allegation is against Vishal Kumar @ Chotu Kumar who eloped
the grand daughter of the informant. The F.I.R. has been lodged



against his entire family members. The alleged victim girl has eloped with Vishal Kumar who is the son of Petitioner No. 1 and Petitioner No. 3. Counsel submits that there is no involvement of the entire family members in such crime also the said victim has been recovered.

5. Counsel further submits that petitioners are innocent and have committed no offence. He further submits that petitioner is in custody since 13.06.2023. Counsel also submits that the alleged date of occurrence is 09.02.2022 whereas the *Fardbeyan* has been recorded on 27.02.2022 with huge delay.

6. Learned counsel for the informant opposes the prayer for bail and submits that involvement of present petitioners are there in commission of the crime. He submits to this Court that in rejection order, Trial Court has acknowledged the statement of victim in which involvement of the petitioner's has not been there.

7. Learned counsel for the State opposes the prayer for bail and submits that initial allegation is upon the Vishal Kumar and the victim girl has been recovered.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above



named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Nayagaon P.S. Case No. 12 of 2022 subject to the following conditions as well as the condition laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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