

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17746 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- BAJPATTI District- Sitamarhi

1. Khusboo Kumari d/o of Raj Nandan Raut, Resident of Village- Balha Manorath, PS- Bajpatti, Distt- Sitamarhi.
2. Ranichaki Devi w/o Raj Nandan Raut, Resident of Village- Balha Manorath, PS- Bajpatti, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Krishna Kant Singh, the learned counsel
for the petitioners and Mr. Dinesh Singh, the learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Bajpatti PS Case No. 53 of 2023, FIR dated
13.02.2023, registered for the offence punishable under Section
366 of the Indian Penal Code.

3. According to prosecution case, one Krishna Kumar
@ Bauera is suspect of kidnapping the sister of the informant. It is
further alleged that when the informant went to the house of
Krishna Kumar @ Bauera, his mother and sister used abusive
language and refused to return the informant's sister.

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 upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 03.02.2023, but the present FIR is instituted on 13.02.2023 and as per the allegation in the FIR one Krishna Kumar has abducted the daughter of the informant and petitioner no. 1 is the sister of co-accused person Krishna Kumar and petitioner no. 2 is the mother of Krishna Kumar and merely on that ground they have falsely been implicated in the present case.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is a delay of around ten days in lodging of the FIR without any explanation, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Session Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi, where the case is pending in connection with **Bajpatti PS Case No. 53 of 2023**, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.
and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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