

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18781 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

-
1. GANIT DEVI @ GANITA DEVI WIFE OF MOTI SHAH AND DAUGHTER OF SHRI KARI SHAH RESIDENT OF VILLAGE - BALAHI, P.S. - SIMARI BAKHTIYARPUR, DISTRICT - SAHARSHA, PRESENTLY AND AT RELIVENT TIME RESIDENT OF DELHI ON RENT OF HOUSE NO. 2129/1, GALI NO.3, PREM NAGAR, NEW DELHI
 2. KARI SHAH SON OF LATE KAPLESWAR SHAH RESIDENT OF VILLAGE - SARAUNI, WARD NO.1, P.S. - MAHISHI, DISTRICT - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kishan, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-05-2024 Heard Mr. Kumar Kishan, learned counsel for the
petitioner and the State.

2. The petitioners are apprehending arrest in connection with Bakhtiyarpur (Balbahat OP) P.S. Case No. 150/2023 instituted under Section 363, 364, 120(B) of the Indian Penal Code lodged on 3.4.2023 by the informant, Bindeshwari Sahni.

3. As per the prosecution story, the allegation is



that the accused persons took away the victim boy on motorcycle which was seen by villagers also. Subsequently, the victim boy returned and has named the accused persons. Accordingly, the FIR.

4. In this case, the Police submitted final form against the petitioner but cognizance has been taken by the Court.

5. Learned counsel for the petitioners submit that the Police investigated the matter and it was found that the victim Rajiv Kumar got down from the Tempo at Saharsa Railway Station alone, reached platform no.1 and then took Raj Rani Express. The CCTV footage clearly shows that he entered the train bogey alone.

6. He further submits that the police officials inquired into the matter from the 'Chowkidar' and came to know that he is in the habit of leaving his house without any information and then returns after some days.

7. Taking into account the aforesaid facts as also that the victim boy subsequently returned home, the Police submitted final form against the accused persons including these two petitioners on 3.4.2023. However, differing with it, learned Magistrate took cognizance on 29.5.2023. He



submits that the petitioner no.1 is a lady and petitioner no.2 is an aged person and maternal grand-father of Satyam Kumar. He lastly submits that other accused persons were taken into custody and are now on bail and has drawn attention of this Court to Cr. Misc. No. 57495 of 2023 disposed of on 4.9.2023 by this Court.

8. Learned APP though opposes the prayer, concedes that the entire fact has been incorporated in Cr. Misc. No. 57495 of 2023 (Annexure-P-3 of the petition).

9. Taking into account the aforesaid facts/development that took place, the Police submitted final form after having found the case to be false, though, the learned Magistrate took cognizance on 29.5.2023, the petitioner no.1 is a lady while the petitioner no.2 is an aged person, both of them no criminal antecedent and will be facing the trial ultimately, this Court is inclined to extend them privilege of anticipatory bail.

10. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with



Bakhtiyarpur (Balbahat OP) P.S. Case No. 150/2023 to the satisfaction of learned Chief Judicial Magistrate, Saharsa subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

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

(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 their bail bonds.

11. Before parting, this Court would like to put on



record its word of appreciation for Mr. Kumar Kishan,
learned counsel for the petitioner for the proper assistance
rendered in the matter.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

