

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18965 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- BISFI District- Madhubani

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1. Kailash Thakur SON OF LATE LAXHMI THAKUR RESIDENT OF VILLAGE- MADHUPUR, PS- KAMTAUL, DISTT- DARBHANGA
 2. GAYATRI DEVI WIFE OF KAILASH THAKUR RESIDENT OF VILLAGE- MADHUPUR, PS- KAMTAUL, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Shivnandan Bharti, learned counsel for the petitioners and Mrs. Indu Kumari Srivastava, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bisfi P.S. Case No. 92 of 2023, F.I.R. dated 17.03.2023 registered for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons have abducted the informant's minor daughter for the purpose of marriage.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case merely on the ground that the petitioners are mother and father of co-accused namely Rajan Thakur. He further submits that from perusal of the F.I.R. it appears that the victim was in love with the son of the petitioners and in the present occurrence there is no role of the petitioners for abduction of the victim at all and they have been made accused on the ground that they are parents of co-accused Rajan Thakur.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no allegation of abduction against the petitioners and the petitioners have been made accused merely on the ground that the petitioners are parents of co-accused Rajan Thakur, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 92 of 2023, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure and with other following conditions :-

(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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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