

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41233 of 2024

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

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Rahul Kumar Son of Mahesh Mukhia @ Mahesh Mukhiya Resident of
Village - Balhi, P.S.- Bakhtiyarpur (Balwahat O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the State : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2024 Heard the parties.

2. The petitioners are accuseds in connection with
Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 150 of 2023
registered for the offences under sections 363, 364 and 120(B)
of the Indian Penal Code lodged on 03.04.2023 by the
informant, Bindeshwary Shahani.

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
F.I.R.

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 petitioner submits that as per the C.C.T.V footage available from the Saharsa Railway Station, the informant's son alone boarded the Rajyarani Express.

6. Learned APP for the State, on the other hand, opposed the prayer for bail stating that the victim boy has supported the prosecution story.

7. Taking into account the aforesaid facts as also that the police submitted final form while the cognizance has later been taken in the matter, case is there, will be facing trial, this Court is inclined to extend the relief of anticipatory bail.

8. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur (Balwahat OP) P.S. Case No. 150 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(Rajiv Roy, J)

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