

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64510 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- PATAHI District- East Champaran

1. Chulhai Ram son of Late Khena Ram Village - Kodariya, P. S- Patahi, District - East Champaran
2. Ful Kumari Devi Wife of Chulhai Ram Village - Kodariya, P. S- Patahi, District - East Champaran
3. Rajal Kumari Daughater of Chulhai Ram Village - Kodariya, P. S- Patahi, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anwar Mian Son of Late Mohammadin Mian village- Kodariya, Ps- patahi, dist- East champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Devendra Kumar,, earned counsel for the

petitioners and Ms. Madhuri Lata, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Patahi P.S. Case No.142 of 2024, F.I.R. dated
11.06.2024 for the offences punishable under Sections 363,
366(A)/34 of the IPC and Section 8 of POCSO Act.

3. According to prosecution case, petitioners
threatened informant to kill him as well as his entire family
members and they have also acted hand in glove with prime



accused in victim's kidnapping.

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 the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that from bare perusal of the FIR it appears that son of the petitioner nos. 1 and 2, namely, Bikau Ram has kidnapped the grand-daughter(maternal) of the informant and petitioners are father, mother and sister of the co-accused Bikau Ram and they have been made accused in the present case merely on the ground that petitioners are family members of Bikau Ram against whom the allegation is that he has kidnapped the grand daughter(maternal) of the informant. He further submits that there is no specific allegation against these petitioners in the FIR.

5. 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, the petitioners having clean antecedents and they are family members of the co-accused person, namely, Bikau Ram, let the petitioners,



above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari in connection with Patahi P.S. Case No.142 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

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 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 antecedent, 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)

Harshita/-

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

