

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64502 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- DESARI District- Vaishali

1. Shila Devi @ Shila Kumari Wife of Vikram Kumar Resident of Village - Bhagwatipur (Bagauti), P.S. - Desari, District - Vaishali
2. Nirmala Devi Wife of Shiv Kumar Paswan @ Shiv Kumar Resident of Village - Bhagwatipur (Bagauti), P.S. - Desari, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Ms. Bela Singh, learned counsel for the

petitioners and Mr. Bharat Lal, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Desari (Sahdei O.P.) P.S. Case No. 390/2023 F.I.R. dated 20.11.2023 for the offences punishable under Sections 363 and 366 of the IPC.

3. According to prosecution case, Vikku Kumar and Vikram Kumar have kidnapped the daughter-in-law of the informant with the help of the petitioners.

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 in fact the daughter-in-law of the informant has fled away with one Vikku Kumar and petitioners have not role at all in the present occurrence and they have been made accused in the present case merely on the ground that they are mother and sister-in-law of Vikku Kumar.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and apart from that victim has not been recovered as yet.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent, 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 Additional Chief Judicial Magistrate -IX, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 390/2023 , 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 antecedents, the court below shall take step for cancellation of bail bonds 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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