

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65209 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- KURTHA District- Jehanabad

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1. SHAHBU SHAH SON OF YUNUS SHAH RESIDENT OF VILLAGE - SANJIVAN DARGAH, P.S. - KURTHA, DISTRICT - ARWAL
 2. JUMAN SHAH SON OF YUNUS SHAH RESIDENT OF VILLAGE - SANJIVAN DARGAH, P.S. - KURTHA, DISTRICT - ARWAL
 3. SHARUKH SHAH SON OF YUNUS SHAH RESIDENT OF VILLAGE - SANJIVAN DARGAH, P.S. - KURTHA, DISTRICT - ARWAL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry, Advocate
For the Informant	:	Mr. Arun Kumar No. 1, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2024 Heard Mr. Vinay Mistry, learned counsel for the petitioners, Mr. Arun Kumar No.1, learned counsel appearing on behalf of the Informant and Mr. Bharat Lal, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kurtha P.S. Case No. 208 of 2023, F.I.R. dated 23.06.2023 registered for the offences punishable under Sections 366(A), 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the petitioners is that they along



with other co-accused persons had kidnapped the informant's daughter.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the petitioners have not committed anything wrong with the daughter of the informant and only allegation against these petitioners that they have threatened the informant. He further submits that the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that co-accused persons namely Firoz and Nazir had kidnapped her and she has not stated anything about these petitioners and petitioner no. 1 is the father of co-accused Firoz and petitioner nos. 2 and 3 are the uncle of co-accused Firoz.

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 the victim in her 164 statement has not stated anything about these petitioners, 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 Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad in connection with Kurtha P.S. Case No. 208 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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