

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67504 of 2024

Arising Out of PS. Case No.-406 Year-2022 Thana- BARHARIA District- Siwan

1. Kunti Devi W/o Ramnath Ram, R/o Village- Bhalui, P.S.- Barharia, Dist.- Siwan
2. Munni Kumari D/o Ramnath Ram, R/o Village- Bhalui, P.S.- Barharia, Dist.- Siwan
3. Priti Kumari D/o Ramnath Ram, R/o Village- Bhalui, P.S.- Barharia, Dist.- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate
For the Opposite Party : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-12-2024 Heard Mr. Ashok Kumar, the learned counsel for the petitioners and Mr. Sanjay Kumar Sharma, the learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no. 1 namely, Kunti Devi.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 1, namely, Kunti Devi is dismissed as withdrawn.

5. The petitioner nos. 2 and 3 are apprehending their



arrest in connection with Barharia PS Case No. 406 of 2022, FIR dated 12.09.2022, registered for the offences punishable under Sections 363 and 366(A) read with Section 34 of the Indian Penal Code.

6. According to the prosecution case, four co-accused persons including the petitioner kidnapped the daughter of the informant.

7. Learned counsel for the petitioner nos. 2 and 3 submits that petitioner nos. 2 and 3 have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are daughters of Kunti Devi (co-accused). He further submits that petitioner nos. 2 and 3 are named in the FIR, however, in the statement of victim recorded under Section 164 of the Cr.P.C., she has not stated anything about these petitioner nos. 2 and 3 and they have been made accused in the present case merely on the ground that the petitioners are sisters of co-accused namely, Nagmani Ram and daughter of co-accused Kunti Devi.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 2 and 3.

9. Considering the aforesaid facts and circumstances



and mainly the facts that petitioner nos. 2 and 3 have clean antecedent and the victim in her statement recorded under Section 164 of the Cr.P.C. has not said anything against petitioner nos. 2 and 3, let the petitioner nos. 2 and 3, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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-III, Siwan / Successor Court, where the case is pending in connection with **Barhariya PS Case No. 406 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner nos. 2 and 3 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner nos. 2 and 3 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 learned trial Court shall verify the criminal antecedent of the petitioner nos. 2 and 3 and in case, at any stage, it is found that the petitioner nos. 2 and 3 have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner nos. 2 and 3. 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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