

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74677 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Bindeshwari Sah @ Bindeshwari Prasad S/o- Lakhchan Prasad Vill-Godwa, P.S-Muffasil, Dist-East Champaran at Motihari
 2. Rajkali Devi W/o- Bindeshwari Sah @ Bindeshwari Prasad Vill-Godwa, P.S-Muffasil, Dist-East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Balak Prasad S/o- Late Chaturi Prasad Vill-Godwa, P.S-Muffasil, Dist-East Champaran at Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr. Binay Kumar, learned counsel for the

petitioners and Mr. Md. Ataur Rahman, learned APP for the

State.

2. The petitioners are apprehending their arrest in
connection with Muffasil P.S. Case No. 716 of 2023, F.I.R.
dated 11.10.2023 registered for the offences punishable under
Sections 363, 366(A), 120(B) of the Indian Penal Code and
Section 8 of the POCSO Act.

3. Allegation against the petitioners is that they along
with other co-accused persons kidnapped the minor daughter of
the informant for the purpose of marriage.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. Although the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that the allegation against these petitioners that they have misbehaved with the informant and the petitioners have been made accused merely on the ground that the petitioners are father and mother of co-accused person namely Chotu Kumar and there is no specific allegation against these petitioners that they have abducted the victim girl. He further submits that co-accused person namely Birju Prasad @ Birju Kumar against whom the similar allegation that he along with co-accused Chotu Kumar has abducted the victim girl has been granted the privilege of anticipatory bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 14590 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of kidnapping against them only the allegation is that they have misbehaved with the informant as well as co-accused person has been granted the



privilege of anticipatory bail by this Court, 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 6th Additional Sessions Judge cum Special Judge POCSO Act, East Champaran, Motihari in connection with Muffasil P.S. Case No. 716 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)

Ibrar//-

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

