

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81190 of 2023

Arising Out of PS. Case No.-388 Year-2023 Thana- MADHAURAH District- Saran

1. Dharmnath Prasad @ Dharmu Singh @ Dharmveer Singh @ Dharmenath Singh son of Rameshwar Singh Village- Damodarpur Po- Murzapur Ps- Morhowrah Dist- Saran
2. Dewanti Devi @ Devanti Devi wife of Dharmnath Prasad @ Dharmu Singh @ Dharmveer Singh @ Dharmenath Singh Village- Damodarpur Po- Murzapur Ps- Morhowrah Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Abhijeet Abhigyan, learned counsel for the petitioners as well as Mr. Awadhesh Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Morhowrah P.S. Case No. 388 of 2023, F.I.R. dated 28.06.2023 for the offences punishable under Section 366(A) of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused person have kidnapped the minor daughter of the informant with an intention to get her married with Sonalal Kuswaha.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioner no. 1 is the father and petitioner no. 2 is the mother of the co-accused, namely, Sonalal Kuswaha. He further submits that it appears from the F.I.R that the petitioners have no role at all in the present occurrence. He further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has not stated anything about these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chappra in connection with Morhowrah P.S. Case No. 388 of 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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)

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