

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55188 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- BAJPATTI District- Sitamarhi

1. Md. Kamrul Hoda @ Kamrul Hoda Ansari @ Md. Kamrul Hoda Ansari Son Of Late Sohrab Ansari Village- Madaripur, Ward No. 4, Ps- Bajpatti, Dist- Sitamarhi
2. Shakila Khatoon @ Md. Shakila Khatoon Wife Of Kamrul Hoda Ansari @ Md. Kamrul Hoda @ Md. Kamrul Hoda Ansari Village- Madaripur, Ward No. 4, Ps- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nagina Devi Wife Of Gopal Chaudhary Village- Madaripur, Ward No. 2, Ps- Bajpatti, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the O.P. No. 2	:	Mr. Navin Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-04-2025 Heard Mr. Uday Kumar, learned counsel for the petitioners, Mr. Navin Kumar Pandey, learned counsel for the O.P. No. 2 and Mr. Chandra Bhushan Prasad, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bajpatti P.S. Case No. 245 of 2023, F.I.R. dated 09.08.2023 for the offences punishable under Sections 366A, 34 of the IPC and 7/8 of the POCSO Act.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have kidnapped



the minor daughter of the O.P. No. 2 on 07.08.2023, when she had gone to the temple.

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 victim has not supported the prosecution case in her statement under Section 164 of the Cr.P.C./ 183 of the BNSS, 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners but fairly submits that pursuant to the directions of this Court dated 07.08.2024 and 08.08.2024, a counter affidavit has been filed on behalf of the State (The Superintendent of Police, Sitamarhi) in which, it is categorically stated that the victim has been recovered and her statement has been recorded under Section 164 of the Cr.P.C./183 of the BNSS, 2023 in which she has stated that she was in love with the son of the petitioner and has performed marriage with the son of the petitioner and now she is living with her husband and his family.

6. Considering the aforesaid facts and circumstances that the petitioners are father and mother of the co-accused person, namely, Tanvir Alam and victim has not supported the prosecution case in her statement recorded under



Section 164 of the Cr.P.C./ 183 of the BNSS, 2023, 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 Additional Sessions Judge-6th-cum-Special Judge (POCSO Act), Sitamarhi in connection with Bajpatti P.S. Case No. 245 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 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 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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