

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45546 of 2015

Arising Out of PS.Case No. -84 Year- 2015 Thana -Shambhuganj District- Banka

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1. Jayshree Devi Wife of Sri Naresh Mishra
2. Naresh Mishra @ Tuntun Mishra Son of Late Kamleshwari Mishra Both
residents of village - Goira, Lakhanpur, P.S. Shambhuganj, District - Banka
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 14-10-2015

Heard learned counsel for the Petitioners and the
State.

The Petitioners seek bail in a case instituted for the
offence under Section(s) 366A/34 of the Indian Penal Code.

Considering the statement of the alleged victim
recorded under Section 164 Cr.P.C where she has not alleged any
sexual assault, in the event of surrender/arrest of the Petitioners,
named above, within four weeks from the date of
receipt/production of a copy of this order in connection with
Shambhuganj P.S. Case No. 84 of 2015, they shall be released on
anticipatory bail on furnishing bail bond of Rs. 5,000/- (five
thousand) each with two sureties of the like amount each or any
other surety to be fixed by the court below to the satisfaction of
the Sub-Divisional Judicial Magistrate, Banka subject to the
conditions as laid down under sections 438(2) Cr. P. C and also

subject to the conditions (i) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailors will undertake to furnish information to the court about any change in the address of the petitioners, (ii) that the affidavit shall clearly state that the petitioners are not accused in any other case and, if they are, they shall not be released on bail, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse, (iv) that the petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, and (v) that the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J)

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