

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45900 of 2015

Arising Out of PS.Case No. -196 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Surendra Paswan son of Late Siya Paswan
2. Tara Devi wife of Surendra Paswan
Both residents of village - Kataha, P.S. - Muffasil, District - East
Champan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s: Mrs. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioners are accused under
Sections 366A and 504/34 of the Indian Penal Code and that the victim girl
has not been recovered as yet, this Court would not be inclined to grant
privilege of anticipatory bail to the petitioners.

At this stage, learned counsel for the petitioners submits that
the victim girl actually has been married to the son of the petitioners and they
have knowledge about the whereabouts where they are living, but then they
are afraid in coming out in public because of the wrath that they may face on
account of their getting married.

If that be so, the petitioners, namely, Surendra Paswan and
Tara Devi should surrender before the court below within a period of four
weeks whereafter they shall be granted provisional bail for a period of one
month on furnishing bail bond of Rs. 10,000/- each with two sureties of the

like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Muffasil P.S.Case No. 196 2015 subject to the following conditions:

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- (i) In the period of one month, the petitioners, after being granted provisional bail, shall immediately report to the Officer-in-Charge of Motihari Muffasil Police Station and shall give in writing the place where their son and the victim girl are allegedly residing and thereafter will accompany the police party and if the victim girl is recovered from the place shown by the petitioners, their such provisional bail shall be confirmed. But, on the other hand, if the petitioners fail to get the victim girl recovered, they must surrender after expiry of the period of one month, whereafter their prayer for regular bail shall be considered on its own merits.
 - (ii) That it is also directed that in the recovery of victim girl, the police shall give adequate security arrangement to them.
 - (iii) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
 - (iv) 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.

- (v) 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 their bail on the ground of misuse.
- (vi) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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