

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39432 of 2014

Arising Out of PS.Case No. -268 Year- 2013 Thana -MAHARAJGANJ District- SIWAN

Durgawati Devi, wife of Rajaram Bind, resident of Village _ Pokhra Bin Toli, P.S.- Maharajganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42505 of 2014

Arising Out of PS.Case No. -268 Year- 2013 Thana -MAHARAJGANJ District- SIWAN

1. Rajaram Bind Son of Dina Nath Bind
2. Mukesh Kumar Bind Son of Rajaram Bind
Both residents of village - Pokhra Bin Toli, P.S. - Maharajganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39432 of 2014)

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

(In Cr.Misc. No.42505 of 2014)

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015

Heard learned counsel for the parties.

Having regard to the fact that Mukesh Kumar Bind (Petitioner no. 2 in Cr. Misc. No. 42505 of 2014), is the person who is said to have kidnapped the victim girl, namely, Saroj Kumari whereas Rajaram Bind (Petitioner no. 1 in Cr. Misc. No. 42505 of 2014) and Durgawati Devi (petitioner in Cr. Misc. No. 39432 of 2012), being the father and mother of the Mukesh Kumar Bind (petitioner no. 2 in Cr.



Misc. No. 42505 of 2014) respectively, are facing the allegation for offence under Sections 366 and 366A/34 of the Indian Penal Code and the fact that the victim girl after recovery, in course of her examination under section 164 Cr.P.C., has clearly stated that she had got married to Mukesh Kumar Bind (the petitioner no. 2 in Cr. Misc. No. 42505 of 2014) and that she had gone with the petitioner no. 2 on her free will and accord because her father wanted her to be married to an old man, this Court, keeping in view that the petitioners have also got no criminal antecedent and that the victim girl was also carrying the pregnancy at the time of her recovery, as found by the doctor in her examination, would be inclined to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Durgawati Devi, Rajaram Bind and Mukesh Kumar Bind, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Maharajganj P.S. Case No. 268 of 2013 subject to the following conditions:

- (i) That if at any point of time, the petitioners harass the victim girl or dispossess her and/or her child, such privilege of bail shall automatically stand cancelled on an information given in writing by the victim girl namely Saroj Kumari.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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/-

U			
---	--	--	--