

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.716 of 2015

Arising Out of PS.Case No. -22 Year- 2014 Thana -BATH District- BHAGALPUR

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1. Manish Kumar @ Manish Son of Late Brahmdeo Mandal Resident of Village - Karharia, P.S. Bath, District - Bhagalpur.

2. Kumod Kumar, Son of Sunil Kumar Singh Resident of Village - Deodha, P.S. Bath, District - Bhagalpur.

3. Nakhra Kumar @ Sudhanshu Kumar @ Nakra, Son of Sanjay Singh Resident of Village - Karharia, P.S. Bath, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Rai-1 (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 23-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 363 and 366-A of the Indian Penal Code and the fact that the main accused Kundan Kumar, about whom the victim girl in her statement under Section 164 Cr.P.C. had stated that she had been taken away by him and was subsequently married whereafter they were living as husband and wife, has also been granted privilege of anticipatory bail by this Court by an order dated 14.05.2015 in Cr. Misc. No. 523 of 2015, and the fact that the petitioners have also no criminal antecedent, this Court would also be inclined to grant privilege of anticipatory bail to the petitioners, who are said to be at best accomplice of

Kundan Kumar.

That being so, if the petitioners, namely, Manish Kumar @ Manish, Kumod Kumar and Nakhra Kumar @ Sudhanshu Kumar @ Nakra 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 each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Bath P.S. Case No. 22 of 2014; subject to the following conditions:

- (i) 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.
- (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 their bail on the ground of misuse.

(iv) 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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