

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2797 of 2015

Arising Out of PS.Case No. -398 Year- 2014 Thana -RUNISAIDPUR District- SITAMARHI

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1. Ramnath Sah Son of Ram Kailash Sah
2. Ram Kailash Sah Son of Late Ram Awatar Sah
3. Sita Devi Wife of Ram Kailash Sah
4. Ramjee Sah Son of Ram Kailash Sah
All Resident of Village - Baghari, P.S- Raunnisaidpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. M.K.Nirala(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-05-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 364, 120(B)/34 of the Indian Penal Code and that the husband of the informant, allegedly kidnapped on 13.9.2014, was allegedly recovered on 30.9.2014, whereafter, he had given his statement under Section 164 of the Cr.P.C. on 8.10.2014, this Court, taking into account that the petitioners have also got no criminal antecedent, would direct that if the petitioners, namely, Ramnath Sah, Ram Kailash Sah, Sita Devi and Ramjee Sah would surrender before the court below within a period of four weeks from today, they will 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 Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No. 398 of 2014,

subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative 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 address of the petitioners.

(ii) That the affidavit shall clearly state that the petitioners are not an 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 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)

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