

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3239 of 2015

Arising Out of PS.Case No. -79 Year- 2013 Thana -AMDABAD District- KATI HAR

1. Panchu Mandal, S/o Suran Mandal
2. Pintu Mandal, S/o Sukhdeo Mandal
Both are Resident of Village Lalbathani, P.S. Amdabad, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the State : Mr. Binod Kr. 3 (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

3 25-05-2015 Heard learned counsel for the Petitioners and the State.

The Petitioners seek anticipatory bail in a case instituted for the offence under Section 366A of the Indian Penal Code.

During investigation, it transpired that the alleged victim was living with Shatrughan Mandal and has also begotten a child as also no statement of the victim has been recorded under Section 161 or 164 Cr. P.C.

The only allegation against the Petitioner is the complicity of the main accused and he has fair antecedent.

Considering the aforesaid, let the Petitioners in the event of surrender, named above, within four weeks from the date



of receipt of this order, in connection with Amdabad P.S. Case No. 79 of 2013, 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 concerned to the satisfaction of Sri S.P. Anand, Judicial Magistrate, 1st Class, Katihar (or its successor), subject to the following 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 bailor 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 accused in any other case and if they are, they shall not be released on bail. (iii) That the bailor shall also state on affidavit that he 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. (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.

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(Anjana Prakash, J)