

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25227 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -HABIBPUR District- BHAGALPUR

1. Kalpana Devi Wife of Sitaram Mandal
2. Sitaram Mandal Son of Late Ayodhya Mandal
Both the Resident of village - Bhairapur, P.S. Habibpur, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate.
Mr. S.C.Mishra, Advocate.

For the Opposite Party/s: Mr. Satyendra Nr. Singh (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 26-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 366 of the Indian Penal Code and this Court, having also perused the statement of the victim girl recorded under Section 164 of the Cr.P.C. wherein the specific allegation has been made only against Ambika and his friend Vikash in particular, and also taking into account that both the petitioners are not related to either Ambika or Vikash and that they are simply neighbours having no criminal antecedent, it would be inclined to grant privilege of anticipatory bail to them.

That being so, if the petitioners, namely, Kalpana Devi and Sitaram Mandal surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to

the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Habibpur P.S.Case No. 20 of 2015; 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/-

U			
---	--	--	--