

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48099 of 2015

Arising Out of PS.Case No. -412 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Kunj Bihari
2. Lal Bihari
Both sons of Nandhir Ram, resident of Village- Bishunpur,
Athmuhan, P.S.- Jharokhar (Ghorasahan), District- East Champaran.
.... Petitioners

Versus

The State of Bihar
.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra
For the Opposite Party/s : Mr. B.N.Panday(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 21-12-2015 Heard learned counsel for the petitioners and learned
A. P.P. representing the State.

The petitioners seek bail in Ghorasahan (Jharokhar)
P.S. Case No. 412 of 2014 registered for the offences punishable
under Sections 363, 366, 498 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused being
in collusion and conspiracy kidnapped the wife and son of the
informant.

Submission is of false implication and that the
statement of the victim has been recorded under Section 164 of the
Cr.P.C. which reflects that the victim went in the company of the
petitioners with her child at her own will and she returned with her
husband and as such the petitioners who are suffering in custody

since 16.06.2015 and 03.08.2015 respectively deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioners have been named by the informant in her statement recorded under Section 164 of Cr.P.C.

In the facts and circumstances stated above, considering that victim has only raised suspicion for committing sexual assault with her by petitioner Kunj Bihari and as she went out of her own will in the company of the petitioners as such the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sikerhana at Motihari, East Champaran in connection with Ghorasahan (Jharokhar) P.S. Case No. 412 of 2014, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail

(Jitendra Mohan Sharma, J)

manish/-

U		T	
---	--	---	--