

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 46378 of 2014

Arising Out of PS.Case No. -35 Year- 2013 Thana -BABUBARHI District- MADHUBANI

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1. Nawal Mishra @ Nawal Kishore Mishra Son of Chandeshwar Mishra,
 2. Santu Thakur @ Santi Thakur @ Amit Kumar Thakur, Son of Ram Sagar Thakur
 3. Lalan Thakur @ Shyamanand Thakur, Son of Muneshwar Thakur
- All Sl. No. 1 to 3 are resident of Village - Pirhi, P.S. - Babubarhi, District- Madhubani.
4. Raja Thakur @ Raja Kumar Thakur @ Raj Kumar Thakur Son of Muneshwar Thakur Resident of Village - Kulhariya, P.S. - Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 04-02-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in Babubarhi P.S. Case No. 35 of 2013 dated 04.05.2013 instituted under Sections 363/364/366A/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioners submits that though they are named accused in the case but after the recovery of the girls, their age has been determined to be 19 years and 16 years respectively by the Medical Board and further even in the statement recorded of the girls before the Court under Section 164 of the Code of Criminal Procedure, 1973, the petitioners are said to have accompanied them from

the village to Babubarhi bus stand and from there other co-accused namely Aditya Thakur and Raja Singh are said to have taken them to Jamshedpur and besides that there is no role assigned to them. It is submitted that the petitioners having clean antecedent are in custody since 25.07.2014.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Madhubani in Babubarhi P.S. Case No. 35 of 2013. One of the bailors shall be the father of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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