

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49663 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -SALIMPUR District- PATNA

1. Dharmendra Kumar @ Harendra Kumar @ Harendra Kuamr Yadav Son of Jitendra Yadav Resident of Village- Pokhara P.s Kotwa, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51115 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -SALIMPUR District- PATNA

1. Anil Saw Son of Late Prabhu Saw, resident of Village- Narauli, P.S. Salempur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49663 of 2015)

For the Petitioner/s : Mr. Virendra Kuar

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

(In Cr.Misc. No.51115 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 18-02-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 379, 420, 406 and 120 (B) of the I.P.C and sections 3, 6 and 10 (A) of the Immoral Traffic Act.

Allegedly, the petitioners in collusion and conspiracy with other co-accused took away Tanuja Kumari, the daughter of the informant, to get her married but thereafter Tanuja Kumari was sold away with the petitioner Dharmendra Kumar @ Harendra Kumar @ Harendra Kumar Yadav.

Submission is of false implication and that the victim girl has been examined under section 164 Cr. P.C. and there is material contradiction in her statement from the complaint petition, she has not made any complaint regarding any sexual harassment and as such the petitioners who are suffering in custody since 26.07.2015 and 19.07.2015 respectively deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering custody of the petitioners and further that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are directed to 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 A.C.J.M. Barh, Patna/ Sri R.K. Verma, Judicial

Magistrate, Barh, District- Patna in Salimpur P.S. Case No. 67 of 2015, subject to the conditions that one of the bailors must be a 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)

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