

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21139 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Saraswati Devi, wife of Kuttu Bishwas @ Vimal Bishwas
2. Bijay Bishwas, son of Kuttu Bishwas @ Vimal Bishwas
3. Parbati Devi, wife of Uttam Biswas
4. Uttam Bishwas, son of Kuttu Bishwas @ Vimal Bishwas
All resident of village- Sirisiya Colony, P.S.- Bairiya, District- West
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-05-2016

Heard.

The petitioners, four in number, apprehend their arrest in a criminal prosecution registered under Sections 363 and 366 of the Indian Penal Code.

Though the petitioners are named in the FIR vide Annexure-1 as accused persons, but taking into consideration the fact that the alleged victim girl Anita Kumari has been recovered and her statement under Section 164 Cr.P.C. was recorded, which has been brought on record as Annexure-2, wherein she has given complete go-bye to the prosecution case and has asserted that she has solemnized her marriage with co-accused Vinay Bishwas and wants to live with her husband, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above

named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of Sri Waseem Akram Khan, learned J.M.-1st Class, Bettiah, West Champaran in connection with Srinagar P.S. Case No. 08 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

(Birendra Prasad Verma, J)

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