

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24563 of 2016

Arising Out of PS.Case No. -238 Year- 2015 Thana -BARGANIA District- SITAMARHI

1. Jiya Lal Mahto son of Late Brij Nandan Mahto
2. Indrakala Devi W/o Jiya Lal Mahto, Both resident of village- Parsauni,
P.S.- Bairganiya, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Indu Bala Panday(App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 15-07-2016

The certified copy of the First Information Report of Bairganiya Police Station Case No. 238 of 2015 has been filed on behalf of the petitioners, let the same be kept on record.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bairganiya Police Station Case No. 238 of 2015, disclosing offences under Sections 376/313/34 of the Indian Penal Code and Section 4 of the of the Protection of Children from Sexual Offence Act, 2012.

The petitioners are father and mother of co-accused Nawal Kumar.

Learned Counsel appearing on behalf of the petitioners has submitted that all family members of the accused Nawal Kumar have been named in the complaint petition, which is the basis for registration of the First Information Report.

It has been submitted that so far as these petitioners are concerned, a false allegation has been made in the First Information Report that they had asked the informant to consume a medicine, which had led to abortion.

Considering the submission, as above, this application is allowed.

Let the petitioners, namely, Jiya Lal Mahto and Indrakala Devi, in the event of their arrest or surrender before the Court below within six weeks, 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 learned 1st Additional Sessions Judge –cum- Special Judge, Sitamarhi, in connection with Bairganiya Police Station Case No. 238 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the

police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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