

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5320 of 2016

Arising Out of PS.Case No. -533 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Akhilesh Ram S/o Paras Ram
 2. Nagina Ram S/o Dhanu Ram @ Manu Ram
 3. Bideshi Ram S/o Paras Ram
 4. Paras Ram S/o Dhuri Ram,
- All residents of Village - Hardiya, P.S.- Bettiah Muffasil, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh
Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. U.N.Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-02-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 376, 420, 406 and some other allied offences under the Indian Penal Code.

Taking into consideration the fact that the petitioner no.3- Bideshi Ram is alleged to have sexual relationship with the informant/complainant for about two years on the basis of false promise of marriage and subsequently he backed out from that promise and married with another girl and further taking into consideration the fact that specific allegation of commission of rape is only against him, this Court is not inclined to accede to the prayer made on behalf of the petitioner no.3-Bideshi Ram for grant of anticipatory bail to him. Accordingly, his prayer for anticipatory bail in connection with Bettiah (M) P.S. Case No. 533 of 2015 pending in the Court of the learned C.J.M. West Champaran at Bettiah, is rejected.

However, if the petitioner No.3- Bideshi Ram surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered and decided on its own merit without being prejudiced by the present order.

So far the petitioner no.1, 2 and 4, namely Akhilesh Ram, Nagina Ram and Paras Ram, are concerned, they happen to be brother, relation and father respectively of aforesaid petitioner no. 3 Bideshi Ram. Taking into consideration the fact that against the aforesaid three petitioners there is no allegation of their participation in the commission of crime of rape against the informant/complainant, and only allegation against them is that they helped and supported co-accused Bideshi Ram in commission of crime in question and also taking into consideration the fact that they are said to be the first offenders, this Court is inclined to accede to the prayer for grant of anticipatory bail made on their behalf.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the petitioner no.1,2 and 4, namely Akhilesh Ram, Nagina Ram and Paras Ram, respectively be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran at Bettiah in connection with Bettiah (M) P.S. Case No. 533 of 2015 subject to the conditions laid down under Section 438(2) Cr. P.C and subject to the further conditions that:

(A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his 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 the 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 an opportunity of hearing to all concerned and

(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 dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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