

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36361 of 2016

Arising Out of PS.Case No. -124 Year- 2016 Thana -SAKRA District- MUZAFFARPUR

1. Chandradeo Singh S/o Late Ramkishun Singh
2. Kamni Devi w/o Chandradeo Singh
3. Shakti Singh S/o Chandradeo Singh
All are Resident of village- Sabha, Police Station- Sakra, District-
Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance:

For the Petitioners : Mr. Pawan Kumar, Advocate

For the Opposite Party : Mr. Ajay Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 366 read with Section 34 of the Indian Penal Code registered in connection with Sakra P.S. Case No. 124 of 2016.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be variously related to Sanni Kumar @ Sanyog Kumar against whom the thrust of accusation has been made. It is stated that there is inordinate delay in instituting the FIR on 10.05.2016 for the alleged occurrence of 04.12.2015. Moreover, from the very perusal of the order of the learned Ist Additional Sessions Judge, Muzaffarpur it is apparent that the so-called victim girl returned on 03.05.2016 itself and there is further delay of one week in instituting the FIR thereafter. From the order of the learned Addl. Sessions Judge it transpires that the so-called victim girl has not stated anything incriminating against these petitioners.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Judge-13-cum-Additional Chief Judicial Magistrate, Muzafrarpur in connection with Sakra P.S. Case No. 124 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iii) That the petitioner no. 2 will be well represented in Court and petitioner nos. 1 and 3 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

B.T/Chandran

(Vikash Jain, J)

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