

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41004 of 2016

Arising Out of PS.Case No. -162 Year- 2016 Thana -TARAIYA District-
SARAN

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1. Raj Kapoor Prasad Chaurasia, aged about 36 years, son
of Late Navlakh Bhagat.

2. Reena Devi, aged about 30 years, wife of Raj Kapoor
Prasad Chaurasia.

Both resident of Village and P.O.- Dumri Chapiya, P.S.-
Taraiya, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

ORAL ORDER

2 26-09-2016 Heard the parties.

This application, for grant of anticipatory bail,
arises out of Taraiya P.S. Case No. 162 of 2016, disclosing
offences under Sections 366(A) and 120(B) read with
Section 34 of the Indian Penal Code.

Petitioner No. 1 is the uncle of the victim girl
and petitioner No. 2 is her aunt. A complaint petition, filed

by the mother of the victim girl, is the basis for registration of the First Information Report, under Section 156(3) of the Code of Criminal Procedure. Co-accused, namely, Mithilesh Prasad Chaurasia, is said to be the brother-in-law of petitioner No. 1 and brother of petitioner No. 2.

Learned counsel for the petitioners has drawn my attention to the statement of the victim, recorded under Section 164 of the Code of Criminal Procedure, and has submitted that whatever allegation is there, the same is against said co-accused, Mithilesh Prasad Chaurasia, and there is no allegation against these petitioners on the basis of which offence, under Section 366(A) of the Indian Penal Code, can be said to be made out.

I find substance in the submission so advanced on behalf of the petitioners.

This application is, accordingly, allowed. Let the petitioners, above named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Sessions Judge-IX-cum-A.C.J.M.-IX, Chapra**, in connection with **Taraiya P.S. Case No. 162 of 2016**, 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.)

Praveen-II/-c

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