

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26661 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -MADHWAPUR District- MADHUBANI

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1. Poonam Devi, wife of Shri Parikshan Chaudhary
2. Chulhai Sahani, son of Late Sukhdeo Sahani
Both are residents of Village - Kayastha Tola, Pirokhar, P.S. -
Madhwapur, District - Madhubani.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 11-07-2016 Heard learned counsel for the petitioners and Sri
Madan Kumar, learned Addl. Public Prosecutor.

Two petitioners, who are in custody in connection
with Madhwapur P.S. Case no.53 of 2015, G.R. No. 185 of 2015
registered for the offence under Section 366(A)/34 of the Indian
Penal Code, have prayed for grant of bail.

The present case was initiated on the basis of
complaint petition, which was subsequently referred to the police
and thereafter F.I.R. was lodged. On perusal of the complaint
petition itself, it is evident that complaint petition was filed much
belatedly and even after recovery of the victim girl. Moreover,
there is no direct allegation against the petitioners.

Keeping in view the facts and circumstances mainly on the ground that F.I.R. was lodged much belatedly on the basis of complaint petition, let the petitioners, namely, (i) Poonam Devi (ii) Chulhai Sahani be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Ajay Kumar II, learned Judicial Magistrate, 1st Class, Benipatti (Madhubani) in connection with Madhwapur P.S. Case no.53 of 2015/ G.R. No.185 of 2015 with conditions that (i) one of the bailors must be blood relation of the petitioners and (ii) during trial, both petitioners shall remain physically present before the trial court on each and every date. If continuously on two dates, without prior permission of the trial court, the petitioners remain absent, their bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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