

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10762 of 2017

Arising Out of PS.Case No. -405 Year- 2016 Thana -BARAUNI District- BEGUSARAI

- =====
1. Sharda Devi, Wife of Awadhesh Kumar Srivastava.
 2. Awadhesh Kumar @ Awadesh Prasad Srivastava @ Awadesh Kumar Srivastava, Son of Late Bhagwati Prasad Srivastava.
 3. Ajay Srivastava @ Ajay Kumar @ Mintu Srivastava @ Ajay Kumar Srivastava Son of Awadesh Kumar @ Awadesh Prasad Srivastava @ Awadesh Kumar Srivastava. All Residents of Village- Chaukhara, P.S.- Kopa, District- Chapra (Saran). Presently Residing at Quarter No. 71 G, Railway Quarter Ganga Brij Colony, Ward No. 6, Nagar Parishad Bihat, P.S.- Barauni (Garhara), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 25-04-2017 Heard learned counsel for the petitioners and the State.
- The petitioners apprehend their arrest in Barauni (Garhara) P.S. Case No. 405 of 2016 instituted for the offence under Sections-363, 366A/34 of the Indian Penal Code.
- There is allegation in the written report that Sanjay Kumar Srivastava used to tease minor daughter of the informant. It is further alleged that she had gone to purchase copy from the market but she disappeared. One mobile call has been received. The informant alleged that prior to disappearance of his daughter, he has seen that on her mobile phone, there was two call made by



the mobile of Sanjay Kumar. These petitioners are mother, father and brother of co-accused Sanjay Kumar Srivastava.

The C.D. has been received.

Learned APP has submitted that there is statement in the CD that call has been made on the mobile phone of daughter of the informant from the mobile of Sanjay Kumar Srivastava. As such, there is no specific allegation against these petitioners.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Barauni (Garhara) P.S. Case No. 405 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Begusarai subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper



with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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