

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41877 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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1. Kishan Pyare, Son of Pahlu Sharma,
2. Gita Devi W/o Pahlu Sharma,
3. Pahlu Sharma Son of Kailash Sharma,
4. Shiromani Devi W/o Sanjeet Sharma,
5. Kailash Sharma Son of Late Lalji Sharma, All R/o Village- Ganoul, P.S.- Bihpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bihpur P.S. Case No. 135 of 2016 instituted for the offence under Sections-366(A), 504/506/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the victim girl namely, Neelam Rani in her statement u/S 164 of the Cr.P.C. has stated that she has performed marriage with petitioner No. 1 and wants to live with him. It has further been submitted that other petitioners are family members of petitioner No. 1. The victim girl in her statement u/S 164 of the Cr.P.C. has stated her age to be 19 years and the court below has assessed her age as 18 years.

In such circumstances, prayer for anticipatory bail is



allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six 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 Bihpur P.S. Case No. 135 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Naugachia, District-Bhagalpur 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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