

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28523 of 2018

Arising Out of PS. Case No.-20 Year-2017 Thana- KOTWA District- East Champaran

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1. Paras Pandey, Son of Lakshmi Pandey
 2. Ashok Pandey@ Ashok Kumar Pandey, Son of late Rameshwar Pandey, All Resident of Village- Dumra, P.S. Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend arrest in Kotwa P.S. Case No.20 of 2017, G.R. Case No. 664 of 2017, instituted for the offence under Sections 341, 323, 354,379,504, 34 of the IPC and Section 3/4 of the Prevention of Witch (Dain) Practice Act.

Learned counsel for the petitioners submits that police has submitted charge-sheet against other accused petitioners showing that these petitioners were not sent up for trial. The copy of the charge-sheet has been enclosed as Annexure-3 to this petition. The court below after differing with the charge-sheet has taken cognizance against petitioner no. 1 that he made the informant naked after untying her cloth and allegation against petitioner no. 2 is of assaulting informant.



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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Kotwa P.S. Case No. 20 of 2017, G.R. Case No. 664 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate-X, East Champaran, 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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