

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46525 of 2018

Arising Out of PS.Case No. -177 Year- 2002 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

=====

1. Ghanshyam Sah, Son of Ramesh Sah,
2. Ravindra Mahto, Son of Late Lal Bihari Mahto, Both resident of
Dhanwatiya, Police Station- Yogapatti, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Raj Shekhar
Ms. Preety Kunwar

For the Opposite Party/s : Mr. Sri Murlidhar, APP 110

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Yogapatti
P.S. Case No. 177/2002, instituted for the offences punishable
under Sections 363 and 366A of the Indian Penal Code. Later on
Section 376 of the Indian Penal Code is also added.

Learned counsel for the petitioners has submitted that
petitioners are not family member of other co-accused, namely,
Sanjay Pal, Shiv Chandra Pal, Saheb Pal. The police after
investigation submitted final form showing the petitioners
innocent but cognizance has been taken for offence under Sections



366(A) and 376 of the Indian Penal Code against the petitioners. The victim girl in her statement under Section 164 Cr.P.C. has just taken the name of these petitioners. She has specifically stated that Sanjay Pal had committed illegal act with her. Now the girl is married. Compromise has also been filed, copy of which is enclosed as Annexure-5 to the bail petition. It is further submitted that other co-accused have already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 39486/2018 dated 09.07.2018.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Yogapatti P.S. Case No. 177/2002, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned VIth Additional Chief Judicial Magistrate, West Champaran, Bettiah, subject to the conditions as laid down under Section 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.)

Rakhi

U		T	
---	--	---	--

