

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26566 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Krishnawati Devi @ Kesmawati Devi. W/o Suresh Sah, R/o vill.-
Bhairoganj, P.S.- Bhairoganj, Town, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.29171 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Sushila Devi, W/o Shukhal Bhar @ Shukal Rai, R/o Vill.- Bhairoganj, P.S.-
Bhairoganj, Town, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.26566 of 2018)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

(In Cr.Misc. No.29171 of 2018)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Bagaha**
Mahila P.S. Case No. 02 of 2018 instituted for the offence under
Sections 366A and 34 of the Indian Penal Code.



Learned counsel for the petitioners has submitted that petitioners are ladies. There is no allegation of any specific overt act against the petitioners in the First Information Report. The victim girl after recovery has given her statement under Section 164 Cr. P.C. which has been enclosed as Annexure-3 series with supplementary affidavit. The victim girl in her statement recorded under Section 164 Cr. P.C. has stated her age as 20 years and the court below has assessed her age to be 18 years. She has specifically stated in her statement that she was in love with Niraj Yadav for last one year and she has performed marriage with him in Motihari temple. She lived with Niraj Yadav as husband and wife.

Considering the facts and circumstances of the case, 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 **Bagaha Mahila P.S. Case No. 2 of 2018**, 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 Shri F. Akram, learned **Judicial Magistrate, 1st Class, Bagaha, West Champaran**, subject to the conditions as laid down under Section 438 (2) 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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