

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70536 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- PATORI District-
Samastipur

- =====
1. Manoj Jaiswal @ Manoj Kumar Jaiswal Son of Late Rajendra Choudhary
 2. Ritik Kumar @ Ritik Jaiswal Son of Manoj Jaiswal @ Manoj Kumar Jaiswal Resident of Village-Hasanpur Surat,Thakurbari Road,P.S.-Patory,Distt.-Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Praveen
For the Respondent/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366A/34 IPC registered in connection with Patori P.S.Case No. 58 of 2018.

3. It is submitted that the petitioners have been falsely implicated as evident from the deposition of the so-called victim girl recorded under Section 164 Cr. P.C. (Annexure-2) wherein she has stated that she has voluntarily gone to Patna for two days and returned to Samastipur. She claims herself to be of 17 years of age and has not named the petitioners. The petitioner no.



2 claims clean antecedents, while petitioner no. 1 is on bail in respect of three prior cases of different nature. A statement is made at the Bar that the petitioner no. 1 has also been granted bail in Howrah P.S. Case No. 365/2018 instituted under Section 365 IPC.

4. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patori P.S. Case No. 58 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- (i) That one of the bailors shall be a close relative of the petitioners.
- (ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for



cancellation of bail.

(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

Chandran/-

(Vikash Jain, J)

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