

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28671 of 2019

Arising Out of PS. Case No.-551 Year-2018 Thana- KESARIA District- East Champaran

1. Langtu Rai aged about 45 years gender male Son of Udit Rai
 2. Bikarma Rai aged about 30 years gender male son of Laxman Rai
 3. Champa Devi aged about 60 years gender female Wife of Laxchman Rai
 4. Marachho Devi aged about 35 years gender female Wife of Krishna Rai
- All are residents of Village- Bairiya, P.S.- Keshariya, District- East Champaran at Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vikram Jeet, Advocate

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-05-2019 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 and 366(A) of the Indian Penal Code registered in connection with Kesariya P.S. Case No. 551 of 2018.

3. It is submitted that the petitioners have been falsely implicated as evident from the statement of the so-called victim girl recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she had voluntarily accompanied Kameshwar and solemnized marriage with him in the temple at Siliguri. She has denied the fact of kidnapping by the petitioners. Her age has been assessed at 18 ½ years. It is therefore submitted that the ingredients of the offences under Sections 363 and 366(A) of the IPC are not satisfied. The petitioners claim clean antecedents.

4. Be that as it may, 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Kesariya P.S. Case No. 551 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner nos. 1 and 2 shall remain physically present in court on each and every date during trial; and petitioner nos. 3 and 4 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, 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.

(iv) That the petitioners shall cooperate 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.

(Vikash Jain, J)

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