

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29224 of 2019

Arising Out of PS. Case No.-563 Year-2018 Thana- AMARPUR District- Banka

1. SHANKAR DAS Son of Tunay Das Resident of Village - Bakchappar, P.S.- Shakhkund, Dist.- Bhagalpur.
2. Sudhir Das Son of Tunay Das Resident of Village - Bakchappar, P.S.- Shakhkund, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 23-07-2019 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, 365/34 IPC registered in connection with Amarpur P.S. Case No. 563 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely on suspicion and except which there is no other objective material to connect the petitioners with the alleged occurrence. There is delay in institution of the FIR on 27.10.2018 for the alleged occurrence of 24.10.2018. It is submitted that the informant's daughter has since returned. It is however, submitted that she was found by the police in her parent's house and has not been recovered from the house of the petitioners or from the house of Anil Das to whom she is said to have been sold. In her deposition recorded under Section 164 Cr. P.C she has stated that she is living harmoniously with the said Anil Das at her parent's house. It is submitted that the so-called victim is a lady of about 25 years of age having a five years old son and there is no accusation of any force used by the petitioners. The



petitioners are own brothers and claim clean antecedents.

4. Learned APP appears and has not been able to point out any objective material in the case diary.

5. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka, in connection with Amarpur P.S. Case No. 563 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.

(Vikash Jain, J)

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