

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30352 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- KALYANPUR District- Samastipur

1. KESHAV KUMAR S/o Shri Ashwini Thakur R/o village- Raini, P.S.- Sakra, District- Muzaffarpur
2. Nilam Devi W/o Ashwini Kumar Thakur R/o village- Raini, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-08-2019 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, 363A, 364, 366, 366A, 323, 341, 504/34 and 120B of the Indian Penal Code registered in connection with Kalyanpur P.S. Case No. 222/2018.

3. It is submitted that the petitioners have been falsely implicated on the basis of a complaint based FIR and as a matter of fact they are the own brother and mother of the informant's wife who herself is major with two children. As such, it is submitted that the ingredients of the offences alleged are not made out against the petitioners. Similarly situated co-accused Ashwini Kumar Thakur, husband of the petitioner no. 2 has been arrested and has been granted bail by the learned Court below in B.P. No. 219 of 2019. 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 bond of Rs.10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of learned CJM, Samastipur, in connection with Kalyanpur P.S. Case No. 222/2018, 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 petitioner no. 1 shall remain physically present and petitioner no. 2 shall be well represented 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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