

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37541 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- GOVINDGANJ District- East Champaran

1. Kamalpati Devi, Sex Female, Aged about 48 years, Wife of Deenanath Yadav
2. Deenanath Yadav, Male, Aged about 50 years, Son of Jangli Yadav
3. Rinku Devi, Sex-Female, Aged about 25 years, Wife of Pramod Yadav
All are residents of Village Nagdaha, Police Station Govindganj (Malahi), District East Champaran
4. Manu Yadav @ Manu Kumar Sex male, Aged about 28 years Son of Nand Kishore Yadav
5. Nand Kishore Yadav Sex Male, Aged about 65 years Son of Late Gorakh Yadav
Both are Resident of Village- Nagdahiya, Police Station- Bettiah Muffasil, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-06-2019 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, 366(A), 468, 471, 385, 504, 506 and 34 of the Indian Penal Code registered in connection with Govindganj (Malahi) P.S. Case No. 07 of 2019.

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. in which she has categorically stated that she had voluntarily accompanied accused Dhanjeet Yadav and solemnized marriage with him and did not establish physical relationship with him before returning home. The petitioners have been implicated merely because they happened to be



parents and other relatives of the said co-accused Dhanjeet Yadav and there is no whisper of any allegation against the petitioners in the aforesaid deposition. 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, East Champaran, Motihari in connection with Govindganj (Malahi) P.S. Case No. 07 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. 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 the petitioner nos. 1 and 3 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 petitioner nos. 2, 4 and 5 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.

(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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