

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40480 of 2019**

Arising Out of PS. Case No.-659 Year-2018 Thana- SHASTRINAGAR
District- Patna

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1. AMAR KUMAR @ AMAR NATH KUMAR, male, aged about 34 years, Son of Sri Nand Kishore Ram Resident of Village- Vanarpur, P.S.- Buxar, Distt- Buxar, at Present- Amar Hotel, Brahm Astani, Road, Shekhpura, P.S.- Shastri Nagar, District- Patna
 2. Jay Prakash, male, aged about 26 years, Son of Sri Nand Kishore Ram Resident of Village- Vanarpur, P.S.- Buxar, Distt- Buxar, at Present- Amar Hotel, Brahm Astani, Road, Shekhpura, P.S.- Shastri Nagar, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Girish Singh, Advocate.

For the Opposite Party: Mr. J.K. Singh APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-07-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 370 of the Indian Penal Code read with Sections 23, 26, 41 of the Juvenile Justice Act and $\frac{3}{4}$ Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 registered in connection with Shastri Nagar P.S. Case No. 659 of 2018.

3. It is submitted that the petitioners have been falsely implicated and even on perusal of the F.I.R., the ingredients of the offence under Section 370 IPC are not attracted against the petitioners. It is submitted that the reference to the Juvenile Justice Act have been requested to be removed in terms of the letter of the police itself dated 11.02.2019. The provisions of



Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 as applicable are bailable. 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 Additional Chief Judicial Magistrate-IVth, Patna in connection with Shastri Nagar P.S. Case No. 659 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

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

(iii) 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.

(iv) That 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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