

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42232 of 2019

Arising Out of PS. Case No.-249 Year-2018 Thana- BAJPATTI District- Sitamarhi

1. MADAN MISHRA @ MADAN SINGH Son of Sukdev Mishra Resident of Village-Mahmada, P.S-Bajpatti, District-Sitamarhi.
2. Vina Devi Wife of Madan Mishra @ Madan Singh Resident of Village-Mahmada, P.S-Bajpatti, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-07-2019 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 and 366(A) IPC registered in connection with Bajpatti P.S. Case No. 249 of 2018/G.R. No. 1199 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents of the co-accused Ravi Kumar with the accusation that the informant's granddaughter Puja Kumari along with another girl Golu Kumari had been kidnapped by their son co-accused Ravi Kumar. No overt act has been attributed to the petitioners. Another FIR in Bajpatti P.S. Case No. 228 of 2018 was instituted for the kidnapping of the said Golu Kumari, who however, categorically stated in her deposition recorded under Section 164 Cr.P.C. that she had not been kidnapped and that she had voluntarily married co-accused Ravi Kumar and she is living with him. The petitioner no. 1 and his daughter Nitu Kumari had been granted anticipatory bail in that case by order dated 20.12.2018 in Cr. Misc. No. 73036 of 2018 (Annexure-5). Except the said Bajpatti P.S. Case No. 228



of 2018 the petitioner claims 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 SDJM, Sitamarhi or incharge successor Court in connection with Bajpatti P.S. Case No. 249 of 2018/G.R. No. 1199 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 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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