

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43626 of 2019

Arising Out of PS. Case No.-331 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. SHYAM BAHADUR SINGH Son of Late Jatadhari Singh Resident of Village- Khas Persauni Tola Piprahi, P.S.- Uchakagaon, District- Gopalganj.
2. Asha Devi Wife of Shyam Bahadur Singh Resident of Village- Khas Persauni Tola Piprahi, P.S.- Uchakagaon, District- Gopalganj.
3. Deepak Singh Son of Late Jatadhari Singh Resident of Village- Khas Persauni Tola Piprahi, P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.Surendra Kumar

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 366(A)/34 IPC registered in connection with Uchakagaon P.S. Case No. 331 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be variously related to co-accused Mithilesh Singh as evident from the deposition of the victim girl recorded under Section 164 Cr.P.C., stating therein that she had voluntarily accompanied co-accused Mithilesh Singh and no one had kidnapped her. She has claimed her age to be of 18 years. So also according to the medical report her age has been assessed to be 18 to 19 years and no evidence of sexual assault have been found. It is therefore, submitted that the ingredients of Section 366A of IPC are not satisfied. 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, Gopalganj, in connection with Uchakagaon P.S. Case No. 331 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 nos.1 and 3 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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