

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53032 of 2019**

Arising Out of PS. Case No.-388 Year-2018 Thana- MOTIHARI TOWN
District- East Champaran

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1. NITU KUMARI Wife of Anuj Kumar Resident of Baswariya Nayaka Tola, P.S.-Bettiah, District-West Champaran.
 2. Nishi Kumari Daughter of Vijay Patel @ Vijay Chaudhary Resident of Baswariya Nayaka Tola, P.S.-Bettiah, District-West Champaran.
 3. Vivek Kumar Son of Vijay Patel @ Vijay Chaudhary Resident of Baswariya Nayaka Tola, P.S.-Bettiah, District-West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Patanjali Rishi, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366A, 372, 34 of the Indian Penal Code registered in connection with Motihari Nagar P.S. Case No. 388 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the thrust of accusation is against co-accused Minu who is said to have got the victim married to her brother Satish. Petitioner no. 1 is said to have sent the victim with co-accused from her deposition recorded under Section 164 Cr. P.C., the victim has stated that the petitioner no. 1 sent her with co-accused Satish, Minu and Vivek (petitioner no. 3) who are said to have taken away to Ludhiana. It is submitted that the case of the petitioners stands on better footing than the aforesaid co-accused Minu who has been granted anticipatory bail by this Court by order dated 14.03.2019 in Cr. Misc. No. 15538 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Nagar P.S. Case No. 388 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 petitioner nos. 1 and 2 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner no. 3 shall remain physically present in court on each and every date, 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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