

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50076 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- BHANGHA District- West Champaran

1. Samtol Devi @ Satmola Devi @ Samtola Devi, aged about 55 years, Female, Wife of Gaya Chaudhary
2. Rubi Devi, aged about 30 years, Female, Wife of Sanju Chaudhary
3. Sanju Chaudhary, aged about 35 years, Male, Son of Gaya Chaudhary
All above resident of Village-Thukahan, P.S.-Bhangaha, District West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366(A), 504, 506 and 34 of the Indian Penal Code registered in connection with Bhangaha P.S. Case No. 03 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. wherein she has categorically stated that her mother, who was in a fit of anger, began to assault the daughter and thereafter she went to the house of her sister in Nepal. She has not alleged anything against the petitioner. It is therefore submitted that the ingredients of Section 366A of the 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Mr. Manas Kumar, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 03 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 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 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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