

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56776 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SAHIYARA District- Sitamarhi

1. SHIV CHARAN MANJHI @ SHIV KARAN MANJHI S/o- Late Mochan Sada R/o Village- Hanuman Nagar, Lalbandi Mushahari Tola, P.S.- Sonbarsa, District- Sitamarhi.
2. Kailash Manjhi S/o Late Mochan Sada R/o Village- Hanuman Nagar, Lalbandi Mushahari Tola, P.S.- Sonbarsa, District- Sitamarhi.
3. Indal Manjhi S/o Late Mochan Sada R/o Village- Hanuman Nagar, Lalbandi Mushahari Tola, P.S.- Sonbarsa, District- Sitamarhi.
4. Rinki Devi @ Rinku Devi W/o Jitendra Majhi Resident of Village- Dayan Chhapra, P.S.- Shiyara, District- Sitamarhi.
5. Rajesh Majhi @ Rajesh Sada S/o- Mohichand Manjhi Resident of Village- Dayan Chhapra, P.S.- Shiyara, District- Sitamarhi.
6. Raju Kumar @ Raju Sada S/o- Mohichand Manjhi Resident of Village- Dayan Chhapra, P.S.- Shiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-09-2019 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), 34 IPC registered in connection with Sahiyara P.S. Case No. 20/2019.

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 Cr.P.C. wherein she has categorically stated that she had voluntarily accompanied co-accused Raju Kumar and she has not named the petitioners who are implicated merely because they happen to be variously related to the said co-accused Raju Kumar. 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, Sitamarhi, in connection with Sahiyara P.S. Case No. 20/2019, 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.1,2,3,5 and 6 shall remain physically present and petitioner no. 4 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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