

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69038 of 2018**

Arising Out of PS. Case No.-49 Year-2018 Thana- SIMRI District-
Darbhanga

- =====
1. Baiju Sah Son of Surendra Sah
 2. Ranju Devi Wife of Baiju Sah
 3. Sumitra Devi Wife of Latye Chalitar Sah All Resident of Village-
Khesar,P.S. Jaley, Distt.-Darbhanga
- Petitioners

Versus

1. The State Of Bihar
2. Santosh Kr. Singh, S/o Sivendra Singh, resident of Village- Kumarpatti,
P.S. Simri, Dist- Darbhanga.

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar Jha
For the O.P. No : None
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 27-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 365, 366(A), 506, 120(B)/34 of the Indian Penal Code registered in connection with Simri P.S. Case No. 49 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be variously related to Birju Sah with whom the so-called victim girl had a love affair. The detailed facts have been narrated by her in her letter dated 25.04.2018 to the police (Annexure-3) claiming to be a major and has stated that she had voluntarily left home because her parents were not allowing her to pursue her studies and wanted to get her married elsewhere contrary to her wishes. The petitioners claim clean antecedents.



4. Despite valid service of notice on opposite party no. 2, appearance has not been entered on her behalf nor she represented when the matter is called today.

5. 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, Darbhanga in connection with Simri P.S. Case No. 49 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 no. 1 shall remain physically present and petitioner nos. 2 and 3 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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