

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63527 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- KORHA District- Katihar

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1. CHANDRAHAS SAH S/o Late Mantosi Sah R/o village- Mahinathpur, P.S.- Korha, District- Katihar
 2. Naina Devi W/o Chandrahas Sah R/o village- Mahinathpur, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 336(A)/34 of the Indian Penal Code registered in connection with Korha P.S Case No. 373 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father and mother respectively of co-accused Ashish Kumar Sah. The victim girl in her statement recorded under Section 164 Cr. P. C. has categorically stated that she had voluntarily accompanied the co-accused Ashish Kumar Sah to Siligiri, who is known to her from before, and stayed there for three moths. The victim girl has admitted her age to be of 14 years. It is therefore, submitted that the ingredients of Section 366A 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, Katihar, in connection with Korha P.S Case No. 373 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 no. 1 shall remain physically present in Court on each and every date during trial and the petitioner no. 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 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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