

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62967 of 2019**

Arising Out of PS. Case No.-81 Year-2017 Thana- SIMRA District- West Champaran

1. LAXMINA DEVI Wife of Ashok Chaudhary Resident of village-Ajay Nagar, Medraul, Police Station- Semra, District- West Champaran.
2. Beyash Yadav Son of Parash Yadav Resident of village-Ajay Nagar, Medraul, Police Station- Semra, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      17-10-2019                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366(A)/34 of the Indian Penal Code registered in connection with Tr. No. 3508 of 2019 arising out of Semra P.S. Case No. 81 of 2017.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact it was a case of love affair between the informant's daughter and co-accused Saheb Yadav with whom she voluntarily eloped. A statement has been made in para 5 of the petition that no allegation has been made by the informant's daughter in her deposition recorded under Section 164 Cr.P.C. The age of the informant's daughter has been opined as 17-18 years in the medical report (Annexure-2). The petitioners have been implicated merely because they happen to be the co-villagers. After due investigation the police submitted final form on 31.03.2018 (Annexure-3) exonerating the petitioners, but differing from the same cognizance has been taken. The petitioner no. 2 claims clean antecedents while petitioner no. 1 was earlier made accused in Semara P.S. Case No. 59 of 2017 with



similar accusations made by the same informant in which after investigation final form has been submitted by the police and is accepted by the Court.

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 Sri Sonu Kumar, learned J.M. Ist Class, Bagaha West Champaran, in connection with Tr. No. 3508 of 2019 arising out of Semra P.S. Case No. 81 of 2017, 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. 2 shall remain physically present in Court on each and every date during trial and the petitioner no. 1 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)**

Chandran/-

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