

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68211 of 2018

Arising Out of PS. Case No.-214 Year-2018 Thana- BAIRIYA District- West
Champaran

- =====
1. Bachcha Sah Son of Suresh Sah
 2. Mohit Kumar Son of Lalu Chaudhary
- Both Resident of Village-Baghi, Mushari Tola, Police Station- Bairiya,
District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Arbind Kumar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 07-01-2019 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) of the Indian Penal Code registered in connection with Bairiya P.S. Case No. 214 of 2018.

3. It is submitted that the petitioners have been falsely implicated as evident from the deposition of the so-called victim girl recorded under Section 164 Cr. P.C. She has categorically stated therein that she had voluntarily left home in anger and had gone to her mama's house in Madhopur and that she had not been kidnapped by anyone. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 Additional Chief Judicial Magistrate-VIIth, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 214 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) 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) The petitioners 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.

(Vikash Jain, J)

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