

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6283 of 2020

Arising Out of PS. Case No.-100 Year-2019 Thana- MEDNI CHAUKI District- Lakhisarai

1. ANUP MAHTO Son of Late Muna Mahto Resident of Village-Devghara-Chandra Tola, P.S.-Medanichauki, District-Lakhisarai.
2. Kala Devi Wife of Anup Mahto Resident of Village-Devghara-Chandra Tola, P.S.-Medanichauki, District-Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 376, 504 and 506 of the Indian Penal Code, registered in connection with Medanichauki P.S.Case No. 100 of 2019, Gr. No. 2171 of 2019.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact the thrust of the accusation under Section 376 IPC is against co-accused Kundan Kumar. It is submitted that the informant is a major lady who had a love affair with the said Kundan Kumar and has lodged the FIR only to put pressure for marriage. The petitioners have been



implicated merely because they happen to be the parents of the said co-accused Kundan Kumar, against whom the ingredients of the offence under Section 376 IPC are not made out. The other penal provisions are bailable. The petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before 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 bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Lakhisarai in connection with Medanichauki P.S. Case No. 100 of 2019, Gr. No. 2171 of 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) That 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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