

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20274 of 2020**

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1. Jainath @ Jainath Shah @ Jainath Sah,
2. Rama Sah
Both sons of Hira Sah
3. Arti Devi @ Aarati Devi, wife of Jainath @ Jainath Shah @ Jainath Sah
All are resident of Village-Mathia, P.S.-Majhauria, District-West Champaran,
Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shardanand Mishra, Adv.
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2020 Learned counsel for the petitioners undertakes to

remove all the defects within three weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioners and Mr.

Mukeshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest

bail in connection with Majhauria P.S. Case No.29/2020

registered for the offences under Sections 366(A)/34 of the

Indian Penal Code.

Learned counsel for the petitioners submits that

petitioner nos. 1 and 3 are father and mother respectively of the

boy Nitesh Kumar whereas petitioner no. 2 is the uncle of the



boy. It is further submitted that the boy Nitesh Kumar and the daughter of the informant had fallen in love and they have solemnized marriage which would be evident from Annexure '2' to the present application. It is further submitted that so far as these petitioners are concerned they have been made accused only because they happen to be the kith and kin of the boy Nitesh Kumar, even though they have no role to play in the alleged affair between the boy Nitesh Kumar and the daughter of the informant.

Mr. Mukeshwar Dayal, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case wherein no specific role has been assigned to the petitioners and only because they are kith and kin of the boy Nitesh Kumar they have been made accused in this case alleging that they had also conspired to allure the victim girl, whereas from Annexure 2 it appears that the daughter of the informant has married with the boy Nitesh Kumar, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Majhaulia P.S. Case No.29/2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned C.J.M., West Champaran, Bettiah,
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

rajeev/arvind-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

