

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23745 of 2020

Arising Out of PS. Case No.-218 Year-2019 Thana- TARAIIYA District- Saran

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1. SAHOL DEVI @ SAHEL DEVI Wife of Asharfi Rai Resident of Village- Chainpur, P.S.- Taraiya, District- Saran.
 2. Manu Kumar Son of Asharfi Rai Resident of Village- Chainpur, P.S.- Taraiya, District- Saran.
 3. Saman Rai Son of Asharfi Rai Resident of Village- Chainpur, P.S.- Taraiya, District- Saran.
 4. Jitlal Rai @ Jeetlal Ray Son of Asharfi Rai Resident of Village- Chainpur, P.S.- Taraiya, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr Jagdhar Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend their arrest in connection



with Taraiya Police Station (for brevity, PS) Case No 218 of 2019 dated 18.07.2019 instituted for the offence punishable under Section (s) 363, 366A of Indian Penal Code.

The complainant/informant has alleged that seven accused persons have taken away her 16 years old daughter with the intention of solemnizing her marriage with co-accused Shatrudhan Rai. It is submitted by the petitioners' counsel that since there was an intimate relation of Shatrudhan Rai with the complainant/informant's daughter and they were related and marriage was barred by prohibitive degree, the case was lodged. With the intervention of common friends and well wishers, the complainant/informant and the petitioners, who are members of the same family, have resolved the issue and compromise petition has also been filed in the Court below (Annexure 2). From perusal of order of the learned Additional Sessions Judge V, Saran at Chapra rejecting the petitioners' second anticipatory bail application, it is obvious that the victim, in her statement recorded under Section 164 of Criminal Procedure Code, has given her age to be 19 years. The petitioners have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.



In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Saran, Chapra in Doriganj Taraiya PS Case No 218 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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