

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26999 of 2020

Arising Out of PS. Case No.-832 Year-2018 Thana- SITAMARHI District- Sitamarhi

1. KARAN BAITHA Son of Late Kamal Baitha Resident of Village - Chak Mahila, Ward No. 5, P.S. - Sitamarhi, District - Sitamarhi.
2. Manju Devi Wife of Late Kamal Baitha Resident of Village - Chak Mahila, Ward No. 5, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-11-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

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

Mr. Atul Chandra, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Sitamarhi PS Case No. 832 of 2018 registered under Sections 363, 366(A), 341, 323, 504



and 506/34 of the IPC.

The prosecution case alleges that the informant's daughter was allured for doing puja at a temple and she did not return. The informant later came to know that petitioner No. 1 forcibly took her away and when he went to enquire from the house of petitioner No. 1, petitioner no.2 and others have assaulted him.

It is submitted by learned Counsel for the petitioners that entire prosecution case stands belied by the statement of the victim recorded under section 164 Cr.P.C. wherein she has stated about going to the temple on her own and that from there she was forcibly taken away by some unidentified old lady for doing domestic help. Realising his mistake, the informant has filed a petition in the court below that they do not want to proceed with the case against the petitioners. The statement of the victim is at Annexure 3 and the petition filed in the court below is Annexure 4 in this application. It is also submitted that the petitioners have no criminal antecedent.

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

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Sitamarhi in Sitamarhi PS Case No. 832 of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

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

(ii) That the petitioner will be well represented on each date



and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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