

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26894 of 2020**

Arising Out of PS. Case No.-618 Year-2019 Thana- MAJHAULIA District- West Champaran

1. BANARASI SAH Son of Late Santu Sah Resident of Village - Bahuarwa, Bairathpur Tola, Ward No. 01, P.S. - Majhaulia, District - West Champaran.
 2. Ekbal Sah Son of Late Santu Sah Resident of Village - Bahuarwa, Bairathpur Tola, Ward No. 01, P.S. - Majhaulia, District - West Champaran.
 3. Shobha Devi Wife of Sri Ekbal Sah Resident of Village - Bahuarwa, Bairathpur Tola, Ward No. 01, P.S. - Majhaulia, District - West Champaran.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Zainulabedin, APP

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

2 06-11-2020 Learned counsel for the petitioners undertakes to remove all the defects within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioners and Mr. Zainulabedin, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Manjhaulia P.S. Case No. 618 of 2019 registered for the offences punishable under Sections 366A, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are the father and uncle whereas petitioner no. 3 is the aunt of co-accused Chandan Kumar. The allegation is that the daughter of the informant was allured by co-accused Chandan Kumar



and he had taken her away for marriage. On getting this information when the informant went to the house of said Chandan Kumar, these petitioners are said to have hurled abuses and threatened the informant.

Learned counsel submits that so far as these petitioners are concerned, there is no allegation that these petitioners had participated in the alleged occurrence and now the victim girl has returned and she has made a statement under Section 164 Cr.P.C. that on her own will she had left her house, she claimed herself major and informed that she had voluntarily married with Chandan Kumar. It is then submitted that the FIR itself was lodged with the delay of 20 days.

Learned APP for the State has though opposed the prayer for anticipatory bail of these petitioners but considering the facts and circumstances of the case wherein there is no allegation that these petitioners had participated in the alleged occurrence or had helped co-accused Chandan Kumar in allurement of the victim girl and further that the victim girl has returned and made statements, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 618 of 2019, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

