

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69329 of 2019**

Arising Out of PS. Case No.-89 Year-2019 Thana- PIRI BAZAR District-
Lakhisarai

- =====
1. RESHMA DEVI Wife of Rohan Yadav Resident of Village - Maheshpur, P.S.- Piri Bazar, Distt - Lakhisarai.
 2. Rohan Yadav Son of Late Bichho Yadav Resident of Village - Maheshpur, P.S.- Piri Bazar, Distt - Lakhisarai.
 3. Lalu Kumar Son of Rohan Yadav Resident of Village - Maheshpur, P.S.- Piri Bazar, Distt - Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s: Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366(A)/34 of the Indian Penal Code registered in connection with Piri Bazar P.S. Case No. 89 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged kidnapping of informant's minor daughter. It is submitted that as a matter of fact there was love affair between the informant's daughter and co-accused Kailu Yadav, with whom she had voluntarily gone away.



Statement is made at the Bar that the said co-accused Kailu Yadav has been granted bail by the learned Court below. The petitioners have been implicated merely because they happen to be the mother, father and brother respectively of the said co-accused Kailu Yadav and they stand on much better footing. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Lakhisarai in connection with Piri Bazar P.S. Case No. 89 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate 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 petitioner no. 1 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner nos. 2 and 3 shall remain present in Court on each and every date, 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.

5. The provisional bail granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bonds, that Kailu Yadav has been granted bail by the learned Court below; conversely their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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