

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75608 of 2019

Arising Out of PS. Case No.-303 Year-2019 Thana- BHAGWAN BAZAR District- Saran

1. MALA DEVI Wife of Thakur Chaudhary @ Sri Thakur Choudhary Resident of Village - Shyam Chak Mohalla, P.S.- Bhagwan Bazar, District- Saran
2. Thakur Chaudhary @ Sri Thakur Chaudhary Son of Behari Chaudhary Resident of Village - Shyam Chak Mohalla, P.S.- Bhagwan Bazar, District- Saran
3. Ravi Kumar Son of Thakur Chaudhary @ Sri Thakur Chaudhary Resident of Village - Shyam Chak Mohalla, P.S.- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Son of Sri Lallan Sah Resident of Village - Bhagwan Bazar, P.S.- Bhagwan Bazar, District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-03-2020 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 and 366(A) of the Indian Penal Code, registered in connection with Bhagwan Bazar P.S.Case No. 303 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged kidnapping of minor daughter of the informant. It is submitted that except suspicion, there is no material to connect the petitioner with the alleged



occurrence. The statement of the victim has been recorded under Section 164 Cr. P.C. in which she has not named the petitioners. Similarly situated co-accused has also been granted bail by this Court in Cr. Misc. No.58023 of 2019, from which it is also evident that the medical report does not show any injury on the private part of the so-called victim girl. It is not a case of recovery of the victim by the police, rather she claims to have been brought back by her alleged kidnappers. The petitioners claim clean antecedents.

4. Learned APP has been heard, but however no specific material against the petitioners has been pointed out from the case diary.

5. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 303 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 shall be a close relative of the petitioners.

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

(iii) That the petitioners shall co-operate 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 physically present in Court on each and every date during trial and 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.

(Vikash Jain, J)

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