

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58893 of 2022

Arising Out of PS. Case No.-517 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. Tetari Devi @ Maya Devi Wife Of Prabhu Mahto R/O Village- Bagahi Malikana, P.S.- Motipur, District- Muzaffarpur
2. Prabhu Mahto Son Of Khakhan Mahto R/O Village- Bagahi Malikana, P.S.- Motipur, District- Muzaffarpur
3. Vijay Kumar Son Of Prabhu Mahto R/O Village- Bagahi Malikana, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.Ii, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, A.P.P.
For the informant	:	Mr. Manish Chandra Gandhi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the informant as well as learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 376, 315 and 34 of the Indian Penal Code.

According to the prosecution case, one Jai Prakash Mahto established physical relation with one Pushpa Kumari and when she became pregnant, all the accused persons put



pressure on her for terminating the pregnancy and assaulted her on several times.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioner No. 1 is sister-in-law and petitioner No. 2 is brother-in-law of the informant. He further submits that it appears from the F.I.R. that there is no allegation of assault or overt act against the petitioners and there is specific allegation against the co-accused person, namely, Jai Prakash who is son of the petitioner Nos. 1 and 2.

The learned counsel for the State as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Motipur P.S. Case No. 517 of 2019, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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