

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14211 of 2023

Arising Out of PS. Case No.-165 Year-2020 Thana- BASOPATTI District- Madhubani

1. VIJAY KUMAR SAH Son of Amarnath Sah R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
2. Raj Kumar Mandal son of Ganga Ram Mandal R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
3. Ram Dayal Sah Son of Buni Lal Sah R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
4. Bhogi Sah @ Bhogendra Sah son of Mishir Sah R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
5. Santosh Mandal Son of Mahendra Mandal R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
6. Mithilesh Mandal son of Gangai Mandal R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
7. Dular Mandal son of Yugeshwar Mandal R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
8. Sunil Kumar Ram Son of Maheshwar Ram R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
9. Rameshwar Mandal @ Ramishwar Mandal Son of Chandeshwar Mandal R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani
10. Ram Babu Mandal son of Panchu Mandal R/V- Kodarkatta, P.S- Basopatti, Dist- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesk Kumar Sah, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-
arrest bail in connection with Basopatti P.S. Case No. 165/2020
registered for the offences punishable under Sections 188, 296,



270, 34 of the Indian Penal Code Section 57 of the Disaster management Act, 2005 and Section 2 and 3 of the Epidemic Disease Act, 1897 as well as section 10 & 11 of the Prohibition of Child Marriage Act, 2006. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant of this case has alleged that after secret information that all the accused persons named in the FIR along with 50-60 persons assembled and participated in the child marriage, he reached at the house of the co-accused Ramesh Kumar Mandal with whom the marriage of minor girl was performed, mother of the boy told that muscle man of the village forcibly solemnized the child marriage.

Learned counsel for the petitioners submits that there is general and omnibus allegation against these petitioners, 50-60 persons were there as also they have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case and the nature of allegations, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five



thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Madhubani in connection with Basopatti P.S. Case No. 165/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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. 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.

(Rajeev Ranjan Prasad, J)

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