

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47297 of 2017

Arising Out of PS.Case No. -436 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Md. Shamsheer Son of Madri Miyan @ Madariya Miyan @ Md. Jiya Val
resident of village Satanpur, P.S. Ujiyarpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Mahua P.S. Case No. 436 of 2014 instituted for the offence under Section-363 of the Indian Penal Code.

The informant has alleged in the written report that his daughter aged about 15 years had gone to Mahua with her friend. She did not return to her house. Therefore, case has been registered.

It appears from the FIR that on 25-10-2014, the victim girl has appeared and has given her statement u/S 164 of the Cr.P.C. which is enclosed as Annexure-2 to this petition wherein she has stated that she has voluntarily gone and has solemnised marriage with the petitioner. She is blessed with a female baby from her wedlock with the petitioner.

In such circumstances, prayer for anticipatory bail is



allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mahua P.S. Case No. 436 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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