

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11960 of 2018**

Arising Out of PS.Case No. -249 Year- 2017 Thana -BEUR District- PATNA

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Mukesh Kumar, Son of Kamdev Mistri @ Kamdev Sav, Tenant of Munna Rai, Near Ram Janki Mandir Sipara, P.S. Beur, District- Patna, permanent Address Village Dhobadi (Jaitipur Kurwa), P.S. Okari, O.P. District- Jehanabad.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Lovekush Kumar, Advocate

For the Opposite Party: APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      27-02-2018                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 12.10.2017 in connection with Beur P.S. Case No. 249 of 2017 for the offences alleged under Sections 366(A) of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and in any event it is evident from the deposition of the so-called victim girl recorded under Section 164 of the Cr.P.C. that she is more than 18 years of age and has voluntarily accompanied the petitioner with whom she had love affair and wanted to marry him. It is therefore submitted that the ingredients of offence under Section 366(A) of the Indian Penal Code are not made out against the petitioner who claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII,



Patna, in connection with Beur P.S. Case No. 249 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

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

(iii) That the petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Vikash Jain, J)**

B.T/Chandran

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