

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53442 of 2018

Arising Out of PS. Case No.-496 Year-2017 Thana- ARARIA District- Araria

Md. Hasan, S/o Md. Mozib, Resident of Village- Hayatpur, Tola Chakardah,
P.S.- Araria (R.S.), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s : Mr. Sri Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

This is a case registered under Sections 363, 366(A), 504,
506/34 of the Indian Penal Code.

This is the second attempt of the petitioner for bail.
Earlier his prayer for bail was rejected on 22.02.2018.

Counsel for the petitioner submits that he has falsely been
implicated in this case in as much as FIR has been lodged on
17.07.2017 i.e., 9 days after the alleged occurrence on
08.07.2017. Drawing attention of this Court towards statement
of the victim recorded under Section 164 Cr. P.C it is submitted
that the victim has stated before the Court that she had gone to
Delhi on her own volition and that she has performed marriage
with the petitioner. Be that as it may as of today the victim is
above 17 years even as per the age disclosed in her statement



under Section 164 Cr.P.C. It is also submitted that the victim was produced before police by the informant himself (father). As such the circumstances do not suggest that she was forcibly confined by the petitioner.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **3rd Additional District and Sessions Judge, Araria in S.T. No. 68 of 2018 arising out of Araria (R.S) P.S. Case No. 496 of 2017** subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

U			
---	--	--	--

