

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20119 of 2019

Arising Out of PS. Case No.-428 Year-2018 Thana- FATUA District- Patna

-
1. Ram Iqbal Rai (Male), aged about 70 years, Son of Late Vasudeo Rai,
 2. Meera Devi, (Female), aged about 65 years, Wife of Ram Iqbal Rai, Both residents of Village- Kothwan, Murgichak, P.S.- Khagaul, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party	:	Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363 and 366(A)/34 of the Indian Penal Code registered in connection with Fatuha P.S. Case No. 428 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents of co-accused Suraj Kumar. It is submitted that the so-called victim girl has voluntarily solemnized marriage with the said Suraj Kumar as evident from the Certificate of Marriage dated 27.08.2018 issued by the Marriage Officer, Patna (Annexure-2). It is, therefore, submitted that the ingredients of Section 366(A) of the IPC are not made against the petitioners, who claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount



each to the satisfaction of Mr. S.K. Chandriyavi, learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Fatuha P.S. Case No. 428 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That petitioner no. 1 shall remain physically present in court on each and every date during trial, and petitioner no. 2 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

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

5. The petitioners shall produce the original Certificate of Marriage dated 27.08.2018 issued by the Marriage Officer, Patna (Annexure-2) before the learned court below within a period of four weeks from today. The provisional bail shall be confirmed upon verification of the genuineness of the said Certificate of Marriage by the learned court below. If the said Certificate of Marriage is not filed within the stipulated period or the same is not found verifiable, the provisional bail shall stand automatically cancelled.

BT/-

U		T	
---	--	---	--

(Vikash Jain, J)

