

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21701 of 2019**

Arising Out of PS. Case No.-87 Year-2018 Thana- KANHAULI District-
Sitamarhi

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Mustafa Sheikh @ Mustafa, Male, aged about 46 years, Son of Late Israfil
Sheikh, Resident of village orlahiya, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shankar Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 17-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363, 363A/34 of the Indian Penal Code
registered in connection with Kanhauli P.S. Case No. 87 of 2018,
G.R No. 3143 of 2018.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the uncle of Saddam
in whom the informant was interested for marriage of his
daughter for which such negotiations failed. Various family
members have been made accused. There is considerable delay of
about nine days in instituting the F.I.R. on 21.07.2018 for the
alleged occurrence of 12.07.2019 without explanation. The
petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition
and submits that the accusations against the accused persons are
serious. However, he has not been able to point any objective
material in the case diary against the petitioners and the
witnesses have also not named him. The thrust of accusation is



against co-accused Saddam and Kamla Devi. The victim girl in her deposition recorded under Section 164 Cr. P.C. as appearing in paragraph-177 of the case diary does not specify name of the petitioner.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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, Sitamarhi in connection with Kanhauli P.S. Case No. 87 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further 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 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.

(iv) 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.

(Vikash Jain, J)

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