

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27842 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- PHULPARAS District- Madhubani

Shani Deo Kumar @ Shani Deo Mukhiya @ Sahi Deo Mukhiya, aged about 24 years, Son of Jai Ram Mukhiya, Resident of Village-Shaini Wrongly Mentioned in the impugned order, Village Shani, P.S.-Phulparas, District-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-04-2019 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 and 366(A) of the Indian Penal Code registered in connection with Phulparas P.S. Case No. 285 of 2018.

3. It is submitted that the petitioner has been falsely implicated as evident from the statement of the so-called victim girl recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she wanted to marry with the petitioner voluntarily but on refusal of her proposal by her parents, she fled away with the petitioner for Mumbai. It is therefore submitted that the ingredients of Section 366A of the IPC are not satisfied. The petitioner claims clean antecedents.

4. 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-II, Jhanyharpur, Madhubani in



connection with Phulpras P.S. Case No. 285 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 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) 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.

(Vikash Jain, J)

BT/-

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

