

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25983 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- CHIRAIYA District- East Champaran

BIR BAHADUR RAI Son of Jadu Rai Resident of Village - Sapgaraha, P.s.-
Chiraiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-04-2019 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, 366(A) IPC registered in connection with Chiraiya (Sikarganj) P.S. Case No. 115/2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the present FIR is the second such case filed at the instance of the same informant, earlier one has been instituted on 08.08.2017 in Godasahan P.S. Case No. 408/2017 (Annexure-2). In the earlier FIR the statement of the so-called victim girl was recorded under Section 164 Cr.P.C. in which she categorically stated that she had voluntarily accompanied the petitioner and solemnized marriage with him. In the second FIR her statement was once again recorded under Section 164 Cr.P.C. a year later in which however, she has made allegation against the petitioner and another. In both statements she claimed to be of 18 years of age. There is inordinate delay in institution of the FIR on 08.04.2018 for the alleged occurrence of 02.07.2017. The petitioner is accused in one prior case, in which he is on bail.

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 SDJM, Sikrahana at Dhaka, in connection with Chiraiya (Sikarganj) P.S. Case No. 115/2018 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 co-operate 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. 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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