

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29018 of 2019**

Arising Out of PS. Case No.-160 Year-2018 Thana- NAUHATTA District-
Saharsa

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BHAWESH KUMAR YADAV @ BHAWESH YADAV @ PAPPU YADAV @
BHAWESH KUMAR, aged about 26 years, male, S/o Lalo Yadav R/o
village- Rasalpur, P.S.- Nauhatta, Distt.- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-05-2019 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)/34 of the Indian Penal Code
registered in connection with Nauhatta (Darhar O.P.) P.S. Case No.
160 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 Cr. P.C. wherein she has
categorically stated that she had voluntarily accompanied the
petitioner and solemnized marriage with him. In her statement,
she admitted herself to be of 19 years of age. It is therefore
submitted that the ingredients of Section 366A of 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 Amit Baibhav, Judicial Magistrate 1st Class, Saharsa in connection with Nauhatta (Darthar O.P.) P.S. Case No. 160 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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