

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31192 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BELA District- Sitamarhi

Ram Babu Baitha (Male), aged about 52 years, Son of Mahendra Baitha
Resident of Village - Maliabari, P.S.- Bela, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 366, 366(A) and 34 of the Indian Penal Code registered in connection with Bela P.S. Case No. 46 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be father of the accused Rajesh Baitha with whom the so-called victim girl wants to live as stated in her deposition recorded under Section 164 of the Cr.P.C. She has clearly stated that she had voluntarily gone to the house of her sister and had not been kidnapped. It is therefore submitted that the ingredients of Section 366A of the IPC are not made out.

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 Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P.S. Case No. 46 of 2019, subject to the conditions as laid



down under Section 438 (2) of the Code of Criminal Procedure 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)

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