

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38468 of 2019**

Arising Out of PS. Case No.-24 Year-2019 Thana- BHEJA District-
Madhubani

- =====
1. MD. SHAKIL AHMAD @ MD. SHAKIL, aged about 58 years, S/o Late Abdul R/o village- Daldal, P.S.- Bheja, District- Madhubani
 2. Maimun Khatoon @ Memun Khatoon, aged about 55 years, female, W/o Md. Shakil Ahmad @ Md. Shakil R/o village- Daldal, P.S.- Bheja, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Kumar Bharti, Advocate.
For the Opposite Party: Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366A/34 of the Indian Penal Code registered in connection with Bheja P.S. Case No. 24 of 2019.

3. It is submitted that the petitioners have 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 gone with Yasin @ Mithu to appear in the examination. Petitioners are the parents of Yasin @ Mithu. It is therefore submitted that the ingredients of Section 366A IPC are not satisfied. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from



the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IIIrd, Madhubani in connection with Bheja P.S. Case No. 24 of 2019, 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves 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 no. 2 shall be well represented present in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner no. 1 shall remain physically present in Court on each and every date, and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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