

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38164 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SANOKHAR District- Bhagalpur

1. MD. RUSTAM S/o Late Md. Kausar R/o village- Kusaha, P.S.- Sanokhar, District- Bhagalpur
2. Biwi Sajnun @ Biwi Sajnuna W/o Md. Rustam R/o village- Kusaha, P.S.- Sanokhar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 494, 366, 379, 504, 506/34 IPC registered in connection with Sanokhar P.S. Case No. 11/2019.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact the so-called victim lady aged about 21 years herself was a married women, in her statement recorded under Section 164 Cr. P.C. has stated that she had voluntarily left her matrimonial home taking her two children and performed *nikah* on 27.01.2019 and thereafter Court marriage on 01.02.2019 with Md. Kalim. The petitioners have been implicated merely because they happen to be the parents of the accused Md. Kalim. It is therefore, submitted that the ingredients of offence alleged under Section 366 IPC is not attracted against the petitioners. 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 CJM, Bhagalpur, in connection with Sanokhar P.S. Case No. 11/2019, 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 shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate 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. The petitioners 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, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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