

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38271 of 2019**

Arising Out of PS. Case No.-501 Year-2018 Thana- KHAGARIA District-
Khagaria

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ABHISHEK KUMAR, aged about 24 years, male, Son of Sukho Sharma
Resident of Village - Bhagwanchak, Gajighat, Shumbha, P.S.- Allouli,
District - Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Yogendra Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 27-06-2019 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(A), 354/34 of the Indian Penal Code
registered in connection with Khagaria P.S. Case No. 501 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the accusations as concerns the petitioner are
general and omnibus in nature. It is submitted that from the
deposition of the informant's daughter recorded under Section
164 Cr. P.C. it is evident that the petitioner has not been named
therein, much less any accusation made against him. On the
contrary, she has stated that she has voluntarily gone to Ludhiana
and solemnized marriage with co-accused Ajit Kumar at
Ludhiana. It is therefore submitted that the ingredients of Section
366(A) are not satisfied. Co-accused Ranbir Kumar has been
granted anticipatory bail by this Court in Cr. Misc. No. 37082 of
2019. 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 Sub-Divisional Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 501 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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