

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41787 of 2019**

Arising Out of PS. Case No.-274 Year-2017 Thana- BOCHAHAN District-
Muzaffarpur

=====

MAHESH KUMAR aged 25 years, male, S/o Brahamdev Rai @ Brahamdev
Mahto R/o Village- Chandwara Lalganj, P.S.- Lalganj, District- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rina Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-07-2019 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, 365, 366(A) of the Indian Penal Code
registered in connection with Bochahan P.S. Case No. 274 of
2017.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact it was a case of love affair
between the petitioner and the informant's daughter, who have
since solemnized marriage and residing together in harmonious
matrimony. The informant's daughter was major on the date of
occurrence as evident from her Aadhar Card showing her date of
birth as 08.04.1999.

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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2 cum Sub Judge-11, Muzaffarpur in connection with Bochahan P.S. Case No. 274 of 2017, 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.

(v) That the petitioner shall produce the certificate of marriage issued by the Maa Ambika Maharani Nyas Samiti Aami



dated 19.12.2017, the affidavit of the informant's daughter dated 20.12.2017 and the Aadhar Card in original.

5. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned Court below, preferably within a further period of four weeks after furnishing bail bonds, about the genuineness of the marriage certificate issued by the Maa Ambika Maharani Nyas Samiti Aami dated 19.12.2017, the affidavit of the informant's daughter dated 20.12.2017 and the Aadhar Card, failing which his bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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