

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38968 of 2019**

Arising Out of PS. Case No.-36 Year-2019 Thana- ANGARGHAT District-
Samastipur

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MD. HITLAR @ FAIZ HASSAN, aged about 30 years, male, Son of Late Md.
Kallu Resident of Village and P.S.-Angarghat, District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rana Sanjay Kumar Singh, Advocate.

For the Opposite Party: Mr. J.K. Singh, 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, 366(A)/34 of the Indian Penal Code
registered in connection with Angarghat P.S. Case No. 36 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and there is considerable doubt about the prosecution
story. The deposition of the so-called victim girl under Section
164 Cr. P.C. has been recorded after inordinate delay on
30.04.2019 even though she had come to the *thana* on
27.04.2019. Her statement that the petitioner and co-accused
Md. Arbaj were her seniors in school is not corroborated by the
Matric Registration Certificate showing the petitioner to be a
student of G F Railway Colony, High School, Samastipur. The
petitioner claims clean antecedents.

4. Learned APP submits that the Matric Registration
Certificate relied upon by the petitioner discloses his father's
name as Md. Qamrul Hasan whereas he has described himself as
the son of late Md. Kallu in the cause title of the petition.

5. 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-II, Samastipur in connection with Angarghat P.S. Case No. 36 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 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.

6. 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, that the petitioner was a student of G F Railway Colony High School, Samastipur and that the Matric Registration Certificate showing his father's name as Md. Qamrul Hasan in fact relates to the petitioner. If the facts found are otherwise, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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