

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41212 of 2019

Arising Out of PS. Case No.-24 Year-2018 Thana- SAUR BAZAR District- Saharsa

MD. TASAUWAR @ MD. TASAUWAR ALAM @ TASOBAR ALAM Son
of Md. Iliyas Resident of Village - Sirha Tola, Ramnagar, P.S.- Sour Bazar,
Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha,Adv

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 366A, 341, 323, 504/34 IPC registered in
connection with Sour Bazar P.S. Case No. 24 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on the accusation that the informant's minor daughter
of 17 years had been kidnapped by the accused persons
including the petitioner. Learned counsel for the petitioner
submits that it was a case of love affair between the petitioner
and the girl in question rather than a case of kidnapping and they
have since performed niakah and are leading conjugal life
together. In this regard reference is invited to the order of this
Court dated 14.05.2019 in Cr. Misc. No. 64341 of 2018 granting



anticipatory bail to 11 accused persons while noticing that the victim girl admitted in Court that she has performed nikah with the petitioner and leading conjugal life.

4. Be that it may, in the event of petitioner's arrest or surrender within eight weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned CJM, Saharsa in connection with Sour Bazar P.S. Case No. 24 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 co-operate 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 girl in question before the learned Court below within a period of eight weeks and produce the original *nikahnama* for verification.

5. The provisional bail granted to the petitioner shall be confirmed upon verification within a further period of four weeks after furnishing bail bond that the victim girl is living with the petitioner as his wife. In case the petitioner's claim fails on verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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