

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40639 of 2019

Arising Out of PS. Case No.-357 Year-2018 Thana- SAKRA District- Muzaffarpur

1. MD. MUSTAFA @ MD. MUSTUFA Son of Md. Jhair @ Md. Jahi Resident of Village - Boariya, P.S.- Sakra, District - Muzaffarpur.
2. Samshad Khatoon @ Samsa Khatoon Wife of Md. Akbar Resident of Village - Boariya, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 05-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 420, 376, 120B of the Indian Penal Code and Section 66 I.T. Act registered in connection with Sakra P.S. Case No. 357/2018.

3. It is submitted that the petitioners have been falsely implicated in a complaint based FIR. There is inordinate delay in filing the complaint on 07.07.2018 for the alleged occurrence of 27.05.2018 when the petitioner no. 1 is said to have established physical relationship with the complainant. From the complaint itself it is evident that the complainant was in love with the petitioner no. 1. The accusation of opposing marriage of the complainant with the petitioner no.1 is on other co-accused and the accusation under Section 66 of the I.T. Act is mere embellishment. There is delay in filing the FIR on 10.08.2018 for the alleged occurrence of 27.05.2018. 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 Sub Judge-13-cum-ACJM, Muzaffarpur, in connection with Sakra P.S. Case No. 357/2018, 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 petitioners.
- ii. That the petitioners 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 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 petitioner no.1 shall remain physically present and the petitioner no. 2 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

