

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41873 of 2019**

Arising Out of PS. Case No.-60 Year-2019 Thana- HABIBPUR District- Bhagalpur

Darshan Kumar, Aged about 22 years (Male) Son of Jugal Das Resident of  
Village-Navtoliya Harijan Tola, Sahjangi, P.S.- Habibpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Davendra Kumar Pandey, Advocate  
For the Opposite Party : APP

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      09-07-2019                      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 and 366 of the Indian Penal Code registered in connection with Habibpur P.S. Case No. 60 of 2019.

3. It is submitted that the petitioner has been falsely implicated as evident from the statement of the so-called victim girl recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she had voluntarily accompanied the petitioner and solemnized marriage with him on 05.04.2019 (Annexure-2). It is therefore submitted that the ingredients of Section 366 of the IPC are not satisfied. 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 Additional Chief Judicial Magistrate-XII, Bhagalpur in connection



with Habibpur P.S. Case No. 60 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with 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 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.

(iv) 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.

**(Vikash Jain, J)**

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