

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74937 of 2018

Arising Out of PS. Case No.-208 Year-2018 Thana- PALASI District- Araria

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Md. Asique Khan S/o Sakil Khan R/o Village-Bansar,P.S. Palasi,Distt.-Araria

... .. Petitioner/s

Versus

1. State Of Bihar
2. Farzana Khatoon W/o Md. Asique Khan R/o Village Bansar,P.S. Palasi,Distt.-Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 11-03-2019 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 366A IPC registered in connection with Palasi P.S. Case No. 208/2018, G.R. Case No. 2454 of 2018.

3. It is submitted that the petitioner has been falsely implicated and in any event subsequent to filing of the FIR, the so-called victim girl and the petitioner has solemnised marriage on 05.08.2018 voluntarily. It is submitted that it was a case of love affair between the petitioner and the informant's daughter, the latter having attained puberty. It is stated that other co-accused family members of the petitioner have been granted provisional bail by order dated 01.03.2019 in Cr. Misc. No. 70890 of 2018, to be confirmed upon informant's daughter being produced within a period of two weeks



thereof.

4. Be that as it may, in the event of petitioner's arrest or surrender within four 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 Sub-Judge-VII-cum- ACJM VI, Araria in connection with Palasi P.S. Case No. 208/2018, G.R. Case No. 2454 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) 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.

5. The provisional bail shall be confirmed if the informant's daughter is produced by the petitioner's side before the learned Court below within the stipulated period of two weeks from 01.03.2019 in terms of the order passed in the case of petitioner's family members in Cr. Misc. No. 70890 of 2018.

6. In case the petitioner's side fails to produce the informant's



daughter before the learned Court below within the stipulated period as above, or she is below the age of puberty, or her statement is contrary to the claim of the petitioner that they have solemnised marriage a the provisional bail shall stand cancelled.

(Vikash Jain, J)

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