

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42018 of 2019

Arising Out of PS. Case No.-150 Year-2018 Thana- MORKAHI District- Khagaria

MD. KAFIL @ MD. ASHIF son of Md. Kausar Resident of village-
Bachhauta Ward No. 3, P.S.- Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 366(A)/34 IPC registered in connection with Morkahi
P.S. Case No. 150/2018, GR No. 3348/2018.

3. It is submitted that the petitioners have been falsely implicated
as evident from the statement of the so-called victim girl recorded
under Section 164 Cr.P.C. wherein she has categorically stated that she
had voluntarily accompanied the petitioner and went to Darjeeling
and solemnised marriage with him. According to the order of learned
Sessions Judge the age of the victim girl according to the medical board
has been assessed between 17-18 years. It is therefore, submitted that
the ingredients of Section 366A IPC are not satisfied. The petitioners
claim 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
SDJM, Khagaria, in connection with Morkahi P.S. Case No. 150/2018,



GR No. 3348/2018, 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.

(Vikash Jain, J)

Chandran/-

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

