

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51924 of 2019

Arising Out of PS. Case No.-172 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Md. Janu Mansuri @ Janu Mansuri, aged about 20 years, (Male) Son of Islam Mansuri @ Md. Islam Resident of Mohalla- Ward No.-9, Prem Nagar, Nokha, P.S.- Garh Nokha, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Chhote Lal Mishra, Advocate
For the Opposite Party : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-08-2019 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 of the Indian Penal Code registered in connection with Sasaram (T) P.S. Case No. 172 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 fled away with the petitioner from her house. Thereafter both of them boarded the bus at Dehri for Kolkatta. It is therefore submitted that the ingredients of Section 366A of the IPC are not satisfied. The petitioner and the informant's daughter solemnized marriage as evident from the Certificate of Muslim Marriage issued by the Registrar, Muslim Marriage & Divorce, Government of West Bengal (Annexure-2) which shows her date of birth as 29.11.2000 and hence, she is major at the time of marriage. 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 Chief Judicial Magistrate, Rohtas (Sasaram) in connection with Sasaram (T) P.S. Case No. 172 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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