

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58311 of 2019**

Arising Out of PS. Case No.-442 Year-2019 Thana- KANTI THARMAL POWER District-  
Muzaffarpur

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SARFARAJ Son of Md. Mubarak Ali @ Md. Mubarak Resident of Village-  
Mirjapur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anish Kumar  
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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

2      16-09-2019                      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 Kanti P.S. Case No. 442 of 2019.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the so-called victim girl is major in view of which, by order dated 03.07.2019 the learned Court below has permitted her to go to her desired place on the strength of the marriage certificate and birth certificate produced by her. Learned counsel for the petitioner makes a statement at the Bar that the petitioner and the said girl are living harmoniously together as husband and wife. It is further submitted that in the above view of the matter the ingredients of Section 366(A) IPC is not made out against the petitioner. The petitioner claims clean antecedents.



4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned SDJM, West Muzzaffarpur in connection with Kanti P.S. Case No. 442 of 2019, corresponding to G.R. No. 2039/2019 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.

(v) The petitioner shall produce his wife before the learned Court below along with her birth certificate and the marriage certificate for verification.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon production of his wife and verification of her birth certificate and marriage certificate within a



further period of four weeks after furnishing bail bond, failing which  
the bail bond shall stand automatically cancelled.

**(Vikash Jain, J)**

Chandran/-

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