

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54244 of 2019**

Arising Out of PS. Case No.-41 Year-2019 Thana- SHEOHAR District-
Sheohar

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SHIVAM PATEL, male, aged about 23 years, S/o Achhelal Patel @ Achhe
Lal Patel R/o village- Sheohar, Ward No. 04, P.S.- Sheohar, District-
Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Jai Shanker Prasad, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363, 366(A)/34 of the Indian Penal Code
registered in connection with Sheohar P.S. Case No. 41 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of only assisting the main accused
Rakesh in fleeing away the victim girl. The so-called victim girl
deposed in her statement recorded under Section 164 Cr. P.C.
wherein she has categorically stated that she had voluntarily fled
away with Rakesh and solemnized marriage with him. In her
statement, she admitted herself to be of 18 years of age. It is
therefore submitted that the ingredients of Section 366A 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 Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 41 of 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 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.

(iv) 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.

(Vikash Jain, J)

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