

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63730 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- SAUR BAZAR District- Saharsa

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Vikash Kumar Yadav Son of Ghuri Yadav, Resident of Ghoghanpatti, P.S.
Saurbazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Adv

For the Opposite Party/s : Smt. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 08-01-2019 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 365 IPC registered in connection with Saurbazar P.S. Case No. 27 of 2018.

3. It is submitted that the petitioner has been falsely implicated as he is himself is the husband of the so-called victim lady. The FIR has been instituted after inordinate delay on 18.01.2018 for the alleged occurrence of 28.12.2017. It is submitted that the petitioner's wife had been undergoing treatment at a mental clinic since 2016 in view of which subsequently a 'Panchnama' was made according to which the informant has retracted from the accusations. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, 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, Saharsa, in connection with Saurbazar P.S.



Case No. 27 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.

Chandran/-

(Vikash Jain, J)

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