

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63502 of 2019**

Arising Out of PS. Case No.-97 Year-2019 Thana- HABIBPUR District-
Bhagalpur

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MD. AHMAR S/O Md. Shahnawaz @ Nanhu Resident of Village- Mahbeli
Chak, P.S. Habibpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Pravin Kumar Sinha Ms. Preety Kunwar, Advocates.
For the State	:	Mr. Rajendra Prasat Nat, APP
For the informant	:	Mr. Manendra Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-10-2019 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), 341, 323, 504, 506/34 of the Indian Penal Code registered in connection with Habibpur P.S. Case No. 97 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 Cr. P.C. wherein she has categorically stated that she had voluntarily gone to Sabore and solemnized marriage with the petitioner. In her statement, she admitted herself to be of 18 years of age. It is therefore submitted that the ingredients of Section 366(A) 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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Bhagalpur in connection with Habibpur P.S. Case No. 97 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 the petitioner shall ensure production of the victim girl before the learned Court below.

(ii) That one of the bailors shall be a close relative of the petitioner.

(iii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(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.

(v) 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.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below if the petitioner produces the victim girl before the learned Court below within a further period of four weeks after furnishing bail bond; conversely, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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