

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62536 of 2019**

Arising Out of PS. Case No.-658 Year-2018 Thana- SAHARSA District-
Saharsa

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ROSHAN DAS S/o Late Pabitra Das R/o Village- Simraha, Ward No. 35, P.S.
and District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Advocate.

For the Opposite Party: Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-10-2019

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), 323/34 of the Indian Penal Code
registered in connection with Saharsa Sadar P.S. Case No. 658 of
2018.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact the so-called victim has
voluntarily solemnized marriage with the petitioner. She is a
major aged about 20 years as evident from her own complaint in
Complaint Case No. 4310(C) of 2018 (Annexure-2) filed against
her parents and others on the ground that they were pressurizing
her for marriage with a person of 55 years of age for money
consideration. She has reiterated her version in her S.A. in the
said complaint (Annexure-3). 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 Mr. M. Kumar, learned Judicial Magistrate Ist Class, Saharsa in connection with Saharsa Sadar P.S. Case No. 658 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 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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