

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65898 of 2019**

Arising Out of PS. Case No.-219 Year-2019 Thana- SITAMARHI District-
Sitamarhi

=====

RAJIV KUMAR Son of Ramnath Sah @ Baidhnath Mahto R/o Village-
Noniya Tola, P.S. and District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party: Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 366A/34 of the Indian Penal Code
registered in connection with Sitamarhi P.S. Case No. 219 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged kidnapping of the
informant's minor daughter. It is submitted however that the
informant's daughter is a major and has voluntarily eloped with
the petitioner. She has appeared before the learned Chief Judicial
Magistrate, Sitamarhi and stated that she had not been abducted
rather she had left her house voluntarily. 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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 219 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 informant's daughter along with her proof of age.

(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 informant's daughter 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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