

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68892 of 2018

Arising Out of PS. Case No.-229 Year-2018 Thana- BEGUSARAI TOWN
District- Begusarai

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Md. Raja Son of Md. Momtaz, Resident of Village- Suhird Nagar, P.S.- Town,
District- Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Santosh Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-02-2019 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), 120B, 504/34 of the Indian Penal
Code registered in connection with Begusarai Town P.S. Case No.
229 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the F.I.R. has been instituted belatedly on
23.04.2018 for the alleged occurrence of 20.04.2018. The
ingredients of the offence alleged are not made out as evident
from the deposition of the so-called victim girl recorded under
Section 164 of the Cr. P.C. in which she has categorically stated
that she voluntarily accompanied the petitioner and solemnized
marriage with him. Her age has been assessed as 16 years by the
Medical Board.

4. Learned APP assisted by learned counsel for the
informant appears and has been heard.

5. A perusal of paragraph-50 of the case diary



discloses that the Medical Board has assessed the age to be victim girl of 17-18 years.

6. 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, Begusarai in connection with Begusarai Town P.S. Case No. 229 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) 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) 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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