

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76917 of 2018

Arising Out of PS. Case No.-137 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

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Sheikh Jakaulah @ Md. Jakaulah Son of Sheikh Mustafa, Resident of
Village- Barhetta, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shabnam Khatoon, d/o. Safi Sah, resident of village Barhetta, P.S.
Runnisaidpur, District Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 25-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 376/34/120(B) IPC registered in connection with
Runnisaidpur P.S. Case No. 137 of 2018.

3. It is submitted that the petitioner has been falsely implicated
on the accusation of having established physical relationship for about
one year on the false promise of money and gold ornaments and later
on the informant became pregnant with the petitioner's child. It is
submitted however, that the petitioner never established physical
relationship with the informant and the question of the petitioner
being the father of the child born to the informant does not arise. The
petitioner claims clean antecedents.

4. Notice was issued to the OP No. 2, which was validly served
but appearance has not been entered on her behalf nor she has
represented when the matter is called today. The stand of the
petitioner thus has not been controverted.

5. 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 CJM, Sitamarhi in connection with Runnisaipur P.S. Case No. 137 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.

(Vikash Jain, J)

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