

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32889 of 2015

Arising Out of PS.Case No. -296 Year- 2013 Thana -BIRAUL District- SHEOHAR

1. Saddam S/o Jahoor Khan Resident of Village Tarwara, Police Station
Biraul, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 10-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Biraul
P.S. Case No. 296 of 2013 registered for the offence punishable
under Sections 363, 366A of the Indian Penal Code.

Allegedly, Nikhat Praveen the sister of the informant
was kidnapped by the petitioner and others and took away with
Bollero vehicle. During investigation victim girl was released and
her statement has been recorded under Section 164 Cr.P.C.

Submission is of false implication and that the victim
girl is major one which is evident from her school leaving
certificate, she has not stated that she was sexually assaulted by



the petitioner or by any other during captivity. Earlier also due to assault by her brother she has fled away and this fact has come during investigation vide paragraph 29 of the case diary and further it has come that the petitioner was not present in the village at that time and this fact has come in para 29 and 30 of the case diary. In para 27 it has also come that the victim was living at village Mahwa and she has left the village at her own will, the petitioner is suffering in custody since 08.06.2015 having no criminal antecedent.

Learned APP opposes the prayer of bail by submitting that the petitioner is named in the FIR and the victim has also stated his name regarding his involvement in the crime.

In the facts and circumstances stated above, considering that during captivity the victim was not sexually assaulted rather only attempt was made and as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Biraul P.S. Case No. 296 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each

and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)