

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50705 of 2014

Arising Out of PS.Case No. -85 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

Md. Rafi son of Md. Haidar resident of village - Mathurapur, P.S. Shivnarayanpur (Kahalgaon), District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 03-03-2015 Heard learned counsel for the petitioner and the State.

This is an application for regular bail for an offence punishable under Sections 363, 366A and 34 of the Indian Penal Code.

As per the prosecution story, the petitioner and his father kidnapped the daughter of the informant aged about 17 years, when she came out from the examination centre after writing her Intermediate Examination. Allegedly the petitioner and his father kidnapped the girl for the purpose of marriage. It appears that subsequently, the victim was recovered and her statement was recorded under Section 164 Cr. P. C. In her statement under section 164 Cr. P.C., the victim is said to have stated that the petitioner made her to have glass of soft drink whereafter she became unconscious and when she regained

conscious, she was found herself traveling in a train. The petitioner and the victim thereafter went to Delhi and stayed there together and married in a Mosque. It is also alleged that the petitioner established physical relationship with her in Delhi and thereafter, they were apprehended by the police on 01.07.2014.

Learned counsel for the petitioner submits that the prosecution story is false and unbelievable. He submits that for the occurrence allegedly said to have taken place on 25.02.2014, the F. I.R. was instituted after much delay on 01.03.2014, the further submits that the victim did not raise any objection during all these days i.e. from 25.02.2014 till July, 2014 when she stayed with the petitioner. He has drawn my attention to the marriage certificate issued by the Mosque, Jama Masjid, Delhi to support that they got married.

Considering the facts and circumstances, the above named petitioner, Md. Rafi is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P. S. Case No. 85/2014.

(Chakradhari Sharan Singh, J)

Sudha/-

U		T	
---	--	---	--