

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41565 of 2015

Arising Out of PS.Case No. -459 Year- 2014 Thana -SHEKHPURA District- SEKHPURA

Mustafa @ Md. Mustafa Khan, son of Sahzad, resident of Village- Kamasi,
P.S.+Distrct- Sheikhpora.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Mustaque Alam (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 07-10-2015 Heard learned counsel for the petitioner Mr. Devendra Prasad Singh and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sheikhpora P.S. Case No. 459/2014 registered for offences punishable under Sections 363/366(A)/34 of the Indian Penal Code and Section 8 of the POSCO Act.

The prosecution case in short is that the informant used to live at Kolkata but since one month, she along with her daughter was living at her village-Kamasi, and the petitioner used to misbehave with her daughter. On 28.10.2014, her minor daughter became traceless, on search, it came to knowledge that it was the petitioner who has taken away her daughter forcibly by boarding on Scorpio vehicle and on being complained to the mother of the petitioner, she misbehaved and abused the informant and thus the

informant suspected her connivance in kidnapping of her daughter.

It has been submitted by the counsel for the petitioner that the victim girl is a major as noticed by the Magistrate while recording her statement under Section 164 of the Cr. P.C. and both the petitioner and the victim girl has married as is evident from the deposition of the victim that she had married out of her own sweet-will and living with the petitioner. The marriage agreement finds place at Annexure-2 of this application.

In such circumstances, let the petitioner, namely, Mustafa @Md. Mustafa Khan in the event of his arrest / surrender within a period of four weeks from today before the Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 1st (Special Judge), Sheikhpura in connection with Sheikhpura P.S. Case No. 459 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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