

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23713 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -DARBHANGA District- DARBHANGA

1. Md. Mumtaz S/o Md. Phul Hassan Resident of Village Kathara, P.S. Manigachi, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-07-2015

Heard both sides.

The petitioner seeks bail in a case under sections 363, 388-A, 372 and 120-B of the Indian Penal Code.

The informant made an allegation that his daughter had gone to give examination of I.Sc. in a School but she did not return. The informant got a message that one Md. Ajim Alam, who was studying with his daughter has kidnapped her for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner is not alleged to have kidnapped the victim. The name of the petitioner figured in the case in the statement of the victim recorded under section 164 Cr.P.C. She disclosed that when the victim went to Delhi along with Azim Alam, they stayed at the

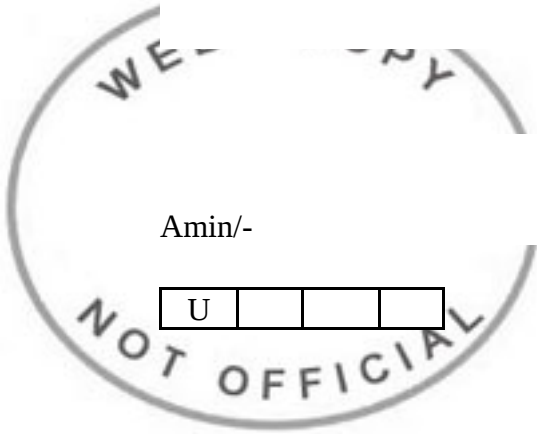


house of petitioner Md. Mumtaz. Md. Aslam and Firdaus were also with them. Both of them have already been enlarged on bail by order dated 13.07.2015 vide Criminal Misc. No. 21288 of 2015. The victim is a major girl. She was studying in a College. No certificate was produced by the prosecution and from the statement of the victim itself it would appear that the victim was a consenting party. She went all along with Md. Azim Alam to Delhi but when she returned she alleged that she was intoxicated and thereafter she was taken to Delhi.

Learned counsel for the informant, however, vehemently opposed the prayer for bail and submitted that the victim is a minor girl. She disclosed that the petitioner was also involved in the kidnapping and she was forcibly married to Md. Azim. There appears that Md. Azim took the victim to different places and to Delhi. Azim and the victim stayed at the house of the petitioner and others. The victim did not make any allegation against the petitioner and others. She simply alleged that the petitioner and others were also present at the time of her marriage.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Darbhanga in connection with Darbhanga Town P.S.
Case no. 39 of 2015.



(Prabhat Kumar Jha, J)

Amin/-

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