

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52356 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -JOKIHAT District- ARRARIA

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1. Md. Tabaraque son of Md. Nizam resident of village - Basgara, Police Station & District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. M Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-12-2015

Heard both sides.

The petitioner seeks bail in Jokihat P.S. case no. 21 of 2015, registered under Sections 341,323,307,366A, 354, 506 and 120B of the IPC.

The informant is the father-in-law of the elder brother of the petitioner. According to the FIR her minor daughter was kidnapped by the petitioner and one unknown person. The victim girl was retrieved and her statement was recorded under Section 164 of the Cr.P.C. (Annexure-2). She has not stated about her kidnapping by the petitioner. It was one Mokim who forcibly kidnapped her. In later part she, however, stated that she was kept in a room and at one point of time fisted and slapped by the petitioner.



Contention of the petitioner is that there is sharp contradiction with regard to the first part of the allegation contained in FIR. The occurrence had committed on 3.12.2014 where as the complaint was initially lodged on 8.12.2014. which was subsequently registered as FIR on 22.1.2015. The petitioner is in custody since 11.9.2015. Actually, the informant wanted to marry the victim with the petitioner which was declined. In the assessment of the Court the victim was nearly 16 years of age.

Considering the facts and circumstances of the case, this Court is inclined to extend the privilege of bail to the petitioner. Let the petitioner, named above, be released 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 Sub Divisional Judicial Magistrate, Araria in connection with Jokihat P.S. case no. 21 of 2015, subject to the following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two

consecutive dates, the trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law

(Kishore Kumar Mandal, J)

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