

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42075 of 2016

Arising Out of PS.Case No. -517 Year- 2016 Thana -SAHARSA District- SAHARSA

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Md. Shadique, Son of Md. Ismaiel Ansari, Resident of Refuqee Colony
Chauk, P.S.-Saharsa Sadar, District-Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Madhav Jha, Advocate

For the Opposite Party : Mr. Sri Ashok Kumar Singh 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-10-2016

Heard learned counsel for the petitioner, the learned
counsel representing the State as well as learned counsel for the
informant.

The petitioner seeks bail in connection with Saharsa
Sadar P.S Case No. 517 of 2016 (G.R. Case No. 1614 of 2016)
registered for the offences punishable under Sections
363/366(A)/34 of the Indian Penal Code.

Allegedly, the daughter of the informant became
traceless from her house and it is alleged that the petitioner has
kidnapped her, during investigation the statement of the victim girl
has been recorded under section 164 of Cr.P.C. wherein she has
stated her age as 19 years and further she has stated that she went
with the petitioner out of her own sweet will with consent and
further performed marriage with him.

Submission is of false implication and that no

offence as alleged is made out against the petitioner, the petitioner has been made victim due to high handedness of the police and the informant, the victim girl being the major has gone out of her own sweet will with consent with the petitioner and both have performed marriage and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances stated above, considering the statement of the victim girl recorded under section 164 of Cr.P.C., the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 517 of 2016 (G.R. Case No. 1614 of 2016), 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.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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