

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41853 of 2016

Arising Out of PS.Case No. -76 Year- 2016 Thana -UDAKISHANGANJ District- MADHEPURA

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1. MD. SAMSER ALAM @ MD. SAMSHER son of Late Murshid resident of Village- Rahata Ogjani Tola, Police Station- Udakishanganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 06-10-2016 Heard the learned senior counsel, Mr. N.K.Agrawal for the petitioner and learned A.P.P. for the State.

The petitioner, namely, MD. Samser Alam @ Md. Samsheer apprehends his arrest in Uda Kishanganj P.S. Case No.76 of 2016 under Sections 363, 366(A)/34 of the Indian Penal Code.

The informant i.e. father of the alleged victim lady lodged F.I.R. alleging that the petitioner along with other co-accused persons i.e. father and mother of this petitioner took away the daughter of the informant Sanno Khatoon for the purpose of marriage. He searched her for sometime. When he did not trace her, the F.I.R. was lodged on 21.06.2016.

The learned senior counsel for the petitioner submitted



that the occurrence is alleged to have taken place on 14.06.2016. The F.I.R. has been lodged on 21.06.2016 and the statement of the girl has been recorded under Section 164 Cr.P.C. on 25.06.2016 which is Annexure 2 to this anticipatory bail application wherein she has stated that she is willing to marry the petitioner because he has got landed property and the informant party has no means to live.

Perused the F.I.R. It appears that except the allegation that the accused persons including this petitioner took the daughter of the informant for the purpose of marriage, there is no allegation regarding use of physical force for sexual assault.

The statement under Section 164 Cr.P.C. is Annexure 2. From perusal of the same, it appears that the alleged victim lady Sanno Khatoon has only stated that she was taken by this petitioner for the purpose of marriage and she wants to live with the petitioner because her parents are very poor. Except this statement, there is nothing against the petitioner.

Considering the above facts and circumstances of the case and the nature of allegation and statement under Section 164 Cr.P.C., I direct the petitioner named above to surrender before the court below within one month from today and on his so surrendering, the court below is directed to release the petitioner

on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Uda Kishanganj in connection with Uda Kishanganj P.S. Case No.76 of 2016.

(Mungeshwar Sahoo, J)

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