

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54357 of 2016

Arising Out of PS.Case No. -275 Year- 2016 Thana -KHAZANIHAT District- PURNIA

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Md. Nasrul @ Md. Nasrul Alam S/o Md. Nazam resident of village - Milki,
P.S. - K. Hat (Maranga), Dist - Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mahendra Thakur & Mr. Vijay Kumar,
Advocates.

For the Opposite Party : Mr. Madhura Nand Jha (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 23-12-2016 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 363, 366 (A) and 120 (b)/34 of the I.P.C

The petitioner being brother-in-law (Jija) of the victim
girl kidnapped her with the aid and assistance of Md. Hasim. The
victim was recovered and her statement was recorded under
section 164 of the Cr.P.C wherein she has stated that she was kept
for ten days in a room where she used to cook food and remained
there for ten days. The petitioner tried to develop physical



relationship but did not succeed. She has further stated that her mother has lodged case against the petitioner earlier as he was not ready to take her sister on Bidai.

Submission is of false implication due to earlier dispute, from the statement recorded under section 164 of the Cr.P.C. it reveals that the victim girl herself went out and lived for ten days, the petitioner has not committed any overt-act against her, the medical report also does not indicate any sign of rape and moreover the victim has herself admitted that the rape was not committed and as such the petitioner deserves sympathetic consideration as Md. Hasim has already been allowed bail.

The learned A.P.P. submits that the petitioner being own brother-in-law committed such crime.

In the facts and circumstances as stated above, considering detention of the petitioner, now he is directed to 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 C.J.M. Purnea in K. Hat (Maranga) P.S. Case No. 275 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)

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