

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26892 of 2017

Arising Out of PS.Case No. -206 Year- 2017 Thana -PURNEA SADAR District- PURNIA

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Samrat @ Shahwaz @ Samrat Kumar, son of Suraj Kumar, Resident of
Village- Abdullah Nagar, Khuskibag, Police Station- Purnia Sadar, District-
Purnia.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Hussain

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.04.2017 in connection with Sadar (Mufassil) P.S. Case No. 206
of 2017 for offences punishable under Sections 363, 366A/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Bhanu Priya age 17 years had gone to market for
purchasing some articles but did not return. It is alleged that the
one Md. Tabrej has taken away his daughter along with other
accused.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and the



F.I.R. has been lodged after one day delay without any plausible explanation and the victim girl was recovered very next day along with Md. Tabrej who was arrested. He submits that victim girl in statement under Section 161 of the Cr. P.C. has not named the petitioner but subsequently under Section 164 she has named that the petitioner along with Md. Tabrej forcefully took her on the motorcycle. He submits that no overt act has been alleged by the victim girl and there is contradiction in the statement of the victim girl. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that he is not named in the F.I.R.

However, learned counsel for the informant opposes the prayer for bail stating therein that the minor girl age 16-17 years was taken away by the petitioner and other accused and in her statement under Section 164 Cr. P.C. she has named the petitioner and was recovered from the railway station by the police. Learned A.P.P. for the State also oppose the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned



Chief Judicial Magistrate, Purnia in connection with Sadar (Mufassil) P.S. Case No.206 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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