

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36372 of 2017

Arising Out of PS.Case No. -165 Year- 2017 Thana -BARAUNI District- BEGUSARAI

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1. Md. Shahnawaz @ Bhulla, son of Md. Fateh Alam, Resident of Village-Balluara, P.S.- Barauni, D-Bar Ward no.2, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-08-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since 19.05.2017 in connection with Barauni P.S. Case No. 165 of 2017 for offences punishable under Sections 363, 366-A of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on 10.05.2017 at 10.00 P.M. while she, her sons and daughter Geeta Kumari (victim) have gone on the occasion of Durga Puja to receive Prasad, the petitioner along with two other named accused and four unknown forcefully dragged her in a white Ambassador car and took her away.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the place was a crowded place and although the petitioner was seen at the place of occurrence, there was no coercion or gun was utilized for taking away the victim. The victim girl also in her statement under Section 164 Cr.P.C. has not named the petitioner and no overt act has been alleged to have been committed by him. He further submits that the medical report also suggests her age to be 17-19 years, as such, she was a major on the date of occurrence. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes 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, Begusarai, in connection with Barauni P.S. Case No.



165/2017, subject to the condition that both the bailors
would be close relative of the petitioner.

(Nilu Agrawal, J)

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