

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.25736 of 2017**

Arising Out of PS.Case No. -24 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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1. Md. Hadis, Son of Md. Hussain @ Md. Hussain Nadaff, Resident of Village Balbhadrapur, P.S. Ujiyarpur, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan No.II  
For the State : Mr. Sanjay Kumar Sharma  
For the Informant : Mr. Mirtyunjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH  
ORAL ORDER**

2    10-07-2017                      Heard   learned   Counsel   for   the   petitioner,  
  
learned Counsel representing the informant and learned  
Additional Public Prosecutor appearing on behalf of the  
State of Bihar.

This application, for grant of anticipatory bail,  
arises out of Ujiyarpur Police Station Case No. 24 of 2017,  
disclosing offences under Section 366A/34 of the Indian  
Penal Code.

Learned Counsel for the petitioner has  
submitted that the case of the prosecution, as narrated in  
the First Information Report, and the statement of the  
victim, recorded under Section 164 of the Code of Criminal  
Procedure, 1973, are completely at variance and show that



the implication of the petitioner is for ulterior purpose.

From the First Information Report, I find that the victim is alleged to have been kidnapped on 09.02.2017; whereas, the victim, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, has stated that she was kidnapped on 13.02.2017. The case of the prosecution becomes doubtful after having seen the First Information Report and statement of victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

Considering the above, this application is allowed.

Let the petitioner, Md. Hadis, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur, in connection with Ujiyarpur Police Station Case No. 24 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of



failure on him part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

Prabhakar Anand/-

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