

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26071 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -SHIWAPATHI District- MUZAFFARPUR

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1. Ahmad Ansari, son of Late Md. Kitab Ansari, resident of Village- Jagarnath Pakari, Murgiya Chak, P.s.- Siwai Patti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner, learned counsel for the Additional P.P. as well as learned counsel for the informant.

The petitioner apprehends his arrest in Siwaipatti P.S. Case No. 123/2016, registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code.

The father of the victim alleged that Sonu @ Sonelal Shah enticed his minor daughter. The informant further alleged that Sonu used to visit the house of Ahmad Ansari, the petitioner and he got believed that Sonu in collusion with Ahmad Ansari kidnapped his daughter.

Learned counsel for the petitioner submits that the petitioner is neighbour of the informant. The victim appeared and



made her statement under Section 164 of the Cr.P.C. and disclosed that the petitioner and Sonu kidnapper her and took her Delhi. She remained in Delhi for one year and solemnized court marriage with Sonu. She became pregnant. It is further submitted that Sonu @ Sole Lal Shah has already been granted bail vide order dated 21.03.2017 passed in Cr. Misc. No. 8115/2017. The victim during course of trial in S.Tr. No. 199/2017 appeared in Court and disclosed that she was forced to make statement under Section 164 of the Cr.P.C. In fact, she voluntarily solemnized marriage with Sonu Kumar.

On the other hand, learned Additional P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner.

It appears that the informant alleged that Sonu Kumar kidnapped his daughter with help of the petitioner, but when the victim was recovered and she made her statement, she alleged that it was the petitioner who kidnapped her, but Sonu Kumar took her to Delhi. The victim remained in Delhi for a year with Sonu Kumar, but she did not raise any alarm that Sonu Kumar kidnapped her. It appears that the victim was a consenting party. The victim deposed in S.Tr. No. 199/2017. She disclosed her age to be 22 years and she stated very clearly that she voluntarily went



along with Sonu Kumar and solemnized marriage.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Sub Judge IX-cum- Additional Chief Judicial Magistrate, Muzaffarpur in connection with Siwaipatti P.S. Case No. 123/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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