

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17049 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -BELCHAR District-
WESTCHAMPARAN(BETTIAH)

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Mowaj Ahmad @ Saddam Hussain, Son of Sk. Jalaluddinn, Resident of
Sheikh Tola, P.S.- Balthar, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 16-05-2017 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in Balthar P.S.
case No.39/16 for the offence under Sections 363, 366 of the
I.P.C.

Accusation is that on 4.5.2016 early in the morning
daughter of the informant aged about 16 years was kidnapped by
Shahid Hussain at the instance of the petitioner who resides
outside, for the purpose of marriage. In course of search on
5.5.2016 in the evening Shahid Husain and daughter of the
informant were apprehended at Sikta Canal Chowk and a
panchayat was arranged but the same yielded no fruit. Then the



informant on 6.5.2016 produced the Sahid Hussain and the daughter of the informant before the police.

Learned counsel for the petitioners submits that the victim girl in her statement recorded under Section 164 Cr.P.C. stated that the petitioner used to talk to her with intention to perform marriage and from last five years he used to make physical relationship with her. But the informant got her married with another person where also he used to threaten her and when the victim girl came to her maika then Shahid came and took her but the petitioner refused to marry her. Further submission is that the daughter of the informant is married woman but she did not want to live with her husband and only to give pressure upon the petitioner who used to reside in Bhopal for pursuing his study, to perform the marriage this case has been lodged. Even from perusal of the F.I.R. it appears that daughter of the informant was apprehended with the co-accused Sahid and not with the petitioner.

Having considered the facts and circumstances of the case, let the petitioner, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri S.D.Bharti, J.M. 1st



Class, Bettia, in Balthar P.S.Case No.39/16 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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