

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43213 of 2018

Arising Out of PS. Case No.-173 Year-2017 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Md. Sahjad Son of Md. Shamim Resident of Village- Ramjanpur, P.S.
Muffassil, District Begusaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. Smt. Sahin Begam

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 26-09-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in a case registered under
Sections 363A and 363 of the Indian Penal Code.

The minor daughter of the informant is said to
have been kidnapped by the petitioner with intention to perform
marriage with her.

It is submitted by learned counsel for the
petitioner that the petitioner has been falsely implicated in this
case. As a matter of fact, the victim happens to be major and on
her medical examination, the doctor has found her age as 16-18
years and she was in love with the petitioner and herself eloped
with the petitioner. Victim in her statement recorded under



Section 164 Cr.P.C. has not alleged any overt act against the petitioner. Moreover after recovery of the victim on 27.04.2017, F.I.R. was received in the police station on 28.04.2017 at 03:30 PM and was lodged on the same day at same time but the investigation of the case started on 27.04.2017 at 09:30 PM which creates serious doubt about the prosecution case. Earlier bail petition of the petitioner was rejected by this court vide order dated 21.08.2017 with liberty to renew his prayer for bail after six months. Petitioner has been languishing in custody since 28.04.2017.

Learned APP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Begusarai in connection with Muffasil P.S. Case No. 173 of 2017, POCSO Case No. 31/17.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

