

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31717 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -KARJA District- MUZAFFARPUR

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Md. Sonu, Son of Md. Munna, Resident of Village- Barkagaon, P.S. Karja,
District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 11-06-2018

Heard learned counsel for the petitioner,

learned counsel for the informant and learned Additional
Public Prosecutor for the State.

This application has been filed for the grant of
regular bail to the petitioner in connection with Karja P.S.
Case No. 62/2017 for the offences punishable under Sections
366(A)/34 of the Indian Penal Code.

At the outset, learned counsel for the petitioner
points out that from a bare reading of the First Information
Report, it would appear that according to the informant
while his wife Rina Devi and his son was returning to village
Barkagaon on 20.10.2016, on way the accused Md. Sonu
abducted his wife and son. The First Information Report has
been lodged after more than six months from the alleged



date of occurrence. Learned counsel points out from Annexure-2 that the wife of this petitioner had submitted an application to the Superintendent of Police, Muzaffarpur, wherein she had alleged cruelty and certain acts of torture against her husband. She has stated that because of torture which she was facing ultimately she has taken shelter in the house of her neighbour.

From Annexure-3, learned counsel further points out that the police had submitted a report in one Miscellaneous Case No. 15/2016 in the court of Sub-Divisional Judicial Magistrate, West Muzaffarpur wherein also this fact has been stated that wife of the informant was residing in the house of her neighbour who happened to be a Muslim and because of that the parents of the said victim Rina Devi as also her husband had refused to accept her.

It is further submitted that although the police had submitted a charge-sheet but prior to that no statement of victim under Section 164 Cr.P.C. was recorded. Learned counsel submits that it is a case of false implication.

Learned counsel representing the informant opposes the prayer for bail and submits that this petitioner had abducted the wife of the informant with an intention to



commit rape. Learned Additional Public Prosecutor for the State is present.

Considering the fact that the informant has himself stated in his written complaint dated 01.05.2017 that the alleged occurrence had taken place on 20.10.2016 but no explanation as regards the delay in lodging the F.I.R. has been provided as also the fact appearing from Annexures - 2 & 3 to the present application, I am inclined to grant regular bail to the petitioner, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-II cum A.C.J.M. – 2nd (West), Muzaffarpur.

(Rajeev Ranjan Prasad, J.)

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