

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21084 of 2018

Arising Out of PS.Case No. -185 Year- 2017 Thana -AWADPUR District- KATIHAR

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NOOR ALAM @ MD. NOOR ALAM, Son of Sagir, Resident of Village &
P.O. - Dasgram Police Station - Abadpur, District - Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 16-07-2018 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A, 323 and 504/34 of
the Indian Penal Code.

Complaint based allegation would reveal that the
petitioner allegedly kidnapped the minor daughter of the informant
on 07.10.2017.

Submission of the learned counsel for the
petitioner is that both had love affairs, hence, the petitioner
married with the victim-girl and also transferred land in her name
through registered sale deed dated 28.07.2017 of the
supplementary affidavit wherein the victim is shown as wife of
this petitioner, age of the victim disclosed as 20 years. Further



submission is that the victim-girl in her statement under Section 164 Cr.P.C. stated that on 24.07.2017, the petitioner forcefully married with her, thereafter there was a Talak on 28.07.2017 before a Panchayat. Again the petitioner forcefully took her and was in physical relation with her.

Contention is that the statement of the victim would reveal that since marriage between the two was not liked by the parents, hence, the Panchayat ordered for Talak between the two. Petitioner was always willing to live with her.

Learned counsel for the informant opposed the prayer for bail on the ground that since the victim was a minor, offence under the Protection of Children from Sexual Offences Act, 2012 is applicable. The petitioner is a man of criminal antecedent. FIR was already lodged against him by some other person vide Annexure-B of the counter affidavit for offences under Sections 469, 500 and 509 of the Indian Penal Code. The petitioner was in contact with different girl which would be evident from the information gathered from the facebook of the petitioner at Annexure-A of the counter affidavit.

Considering the entire facts aforesaid, especially, the custody of the petitioner since 20.11.2017 and completion of the investigation, in my view, the petitioner deserves bail,



accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Abadpur Police Station Case No. 185 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

(Birendra Kumar, J)

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