

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12118 of 2018**

Arising Out of PS. Case No.-314 Year-2017 Thana- BIHTA District- Patna

Md. Shahwaz Ahmad @ Md. Shahwaj Ahmad @ Md. Shahbaz Ahmad S/o  
Ishteyaque Ahmad @ Md. Ishtayaque Ahmad, R/o Village- Kujwa, P.S.-  
Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                |
|--------------------------|---|----------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ashhar Mustafa, Advocate<br>Mr. Murad Ashraf, Advocate     |
| For the Opposite Party/s | : | Mr. Satyendra Narayan Singh, APP                               |
| For the Informant        | : | Mr. R.C. Thakur, Advocate<br>Mr. Kamal Kishore Singh, Advocate |

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      04-04-2018                      Heard learned counsel for the petitioner, learned  
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
06.12.2017 in connection with Bihta P.S. Case No. 314 of 2017  
registered for the offence punishable under Sections 363, 365  
and 366A of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that his minor daughter, Saba Khurshid aged 14 years was  
kidnapped by the petitioner, his brother and one unknown  
person.



It has been submitted by the learned counsel for the petitioner that he is innocent, the victim girl in her statement under Section 164 of the Cr.P.C. has stated that the petitioner married the victim girl and her age has been assessed to be 18 years by the Magistrate. He submits that the victim girl stayed with the petitioner and went to different places. He further submits that the prosecution case and the statement of the victim under Section 164 of the Cr.P.C. are contradictory, which falsifies the prosecution story. He submits that charge-sheet has already been submitted.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the victim girl is a minor and petitioner forcefully married her and is giving threatening to the family members of the informant. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 314 of 2017, subject to the condition that Both the bailors would be



close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

**(Nilu Agrawal, J)**

Arjun/-

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