

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18665 of 2019**

Arising Out of PS. Case No.-215 Year-2018 Thana- KISHANGANJ District- Kishanganj

ASHAD ALAM @ MD. ASHAD Son of Md. Mushtaque @Mustak Alam
Resident of Village - Dehuta, Belwa, P.S. and District - Kishanganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 13.10.2018 in a case registered for the offences punishable under Sections 363 of the Indian Penal Code. Subsequently, Sections 363, 366 and 376 of the I.P.C. were also added.

The prosecution case got initiated on the basis of written report of Rustam submitted before the Station House Officer, Kishanganj Police Station is to the effect on 22.03.2018 at 10.00 A.M., the daughter of the informant,



Rahena aged about 17 years went to Uttar Bihar Gramin Bank for some work, but she did not return till late night. Subsequently, during course of search, the informatn came to know that his daughter has been kidnapped by some unknown persons, leading to registration of FIR against unknown. In the statement of the victim recorded under Section 164 of the Cr.P.C. she got her age recorded as 18 years, whereas the learned Court below assessed her age as 17 years. The victim further stated that the petitioner being the cousin of the victim proposed her for love, but the victim declined his proposal. The petitioner was working with co-accused Aabid Aasad at Ludhiyana and the petitioner gave mobile phone number of the victim to Aabid Aasad, who used to talk with the victim on mobile phone. The victim further stated that on 22.03.2018, on the requested of co-accused, Aabid Aasad, the victim went to a potato cold store, where co-accused, Aabid came by a car and got the victim seated forcefully into the car and took her away somewhere, during that course, the victim got unconscious since she had consumed some intoxicating chocolates offered by co-accused, Aabid Aasad through her friend Rukhsana. When the victim regained her consciousness, she found herself at Karnatak, where co-accused Aabid Aasad conveyed her



that on the direction of the petitioner, he took the victim to Karnataka and he wants to perform marriage with her, but the victim declined the proposal of co-accused Aabid Aasad. Thereafter, co-accused Aabid Aasad assaulted the victim and ravished her several times.

It is submitted by learned counsel for the petitioner that from the statement of the victim recorded under Section 164 of the Cr.P.C. itself, it appears that the victim was kidnapped by co-accused Aabid Aasad, who assaulted her and allegedly ravished her also. Hence, the thrust of accusation is against co-accused Aabid Aasad and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that at the instigation of the petitioner, co-accused Aabid Aasad committed the offence.

Considering the thrust of accusation against co-accused Aabid Aasad and the investigation already being concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



CJM, Kishanganj in connection with Kishanganj P.S. Case No.
215 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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