

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16402 of 2019**

Arising Out of PS. Case No.-122 Year-2018 Thana- PHULWARIA District- Begusarai

Md. Sonu @ Md. Sarfaraj, aged about 21 years, Male, Son of Md. Idrish Kamal, R/o village- Phulwaria-3, Ward No. 5, P.O.- Barauni, P.S.- Phulwaria, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 15-03-2019 Heard both sides.

Petitioner apprehends his arrest in Phulwaria P.S. Case No.122 of 2018, registered under Sections 366(A), 504, 506 and 34 of the Indian Penal Code.

The father of the victim made allegation that Md. Monu, Md. Sonu, the petitioner, Md. Raja, Md. Rashid and others forcibly kidnapped his daughter at the point of pistol.

Learned counsel for the petitioner submits that the victim made her statement under Section 164 Cr.P.C. and she disclosed that she went to the house of her aunt from where some boys forcibly took her away. She further disclosed that she got love affair with Md. Monu. She wanted to marry him. She was willing to go to Bangalore along with Md. Monu but she returned from Chennai. She did not make any allegation against the



petitioner. Md. Rashid and Md. Raja have already been granted anticipatory bail vide order dated 17.01.2019, passed in Cr. Misc. No.79753 of 2018. The case of the petitioner stands on the same footing.

Taking into consideration the fact that of course the father of the victim named the petitioner as one of the kidnapper of his daughter but the victim herself made statement under Section 164 Cr.P.C. and she did not support the factum of her kidnapping as alleged by her father and the fact that the victim made her statement that she got love affair with Md. Monu and she went along with him to Bangalore but she returned from Chennai, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Phulwaria P.S. Case No.122 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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