

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40957 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- PAHARKATTA District- Kishanganj

RAZZAQUE @ RAZZAQUE ALAM @ MD.RAZZAQUE, Male, aged
about 22 years, Son of Md. Anjul Alam, R/o Naya Basti, Shitalpur, P.S.-
Paharkatta, District- Kishanganj ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sarangdhar Jha, Adv.

For the Opposite Party : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Paharkatta P.S. Case No. 25 of 2019 for the offences alleged under
Sections 363, 366A, 379 and 34 of the Indian Penal Code.

The accusation is of kidnapping of the daughter of the
informant, aged about 16 years, by the petitioner, Md. Anjul Alam and
Rehana Khatoon to sell. On the next day the informant received a
call of his daughter, who disclosed about the complicity of the
petitioner.

The learned counsel appearing for the petitioner submits
that after recovery of the girl, she gave her statement under Section
164 of the Criminal Procedure Code and stated that she was served
samosa by her cousin, Chhotu Modak, and told her to marry with the
petitioner, after consuming samosa she became unconscious,
thereafter, on the instruction of Chhotu Modak she came to Islampur
and from there she was left at Siliguri. She stated that after knowing
about lodging of the case by her father she was taken to Islampur. It



is submitted by the learned counsel for the petitioner that it would appear from the first information report that daughter of the informant left her house on her own and want to perform marriage with the petitioner and only due to enmity the present case has been lodged. The daughter of the informant has not stated about committing of rape by the petitioner.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Paharkatta P.S. Case No. 25 of 2019 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri P.K. Tiwari, Judicial Magistrate, 1st Class, Kishanganj, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

Shamshad/-

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