

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57200 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- OBRA District- Aurangabad

=====

SHERAJ SAH S/o Riyaz Sah R/o village- Gortara Tola Takeya, P.S.- Obera,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of **Obera P.S. Case No. 51 of 2019**, disclosing the offence under Section 366A/34 of the Indian Penal Code.

From the First Information Report, it appears that the same came to be instituted after the informant, the mother of the victim, noticed that the victim was missing from her house and the petitioner, a co-villager was also found suddenly absent from the village. Based on suspicion that the petitioner might have kidnapped the victim, the First Information Report came to be registered. The victim was, subsequently, recovered by the Police and her statement has been recorded under Section 164



Cr. P.C. Though, it is stated by the victim in her statement under Section 164 of the Cr. P.C. that the petitioner had made her eat something, whereafter, she became unconscious and, thereafter, she was taken to Mumbai, there is no allegation of any sexual assault made by the petitioner, even if what has been stated in the said statement is taken to be correct.

Learned counsel appearing on behalf of the petitioner has submitted that it is unbelievable that the victim would stay in Mumbai for a month with the petitioner without any clamour or outcry.

Considering the statement of the victim recorded under Section 164 of the Cr. P.C. and the nature of allegation made in the First Information Report, in my view, a case of grant of regular bail is made out. This application is, accordingly, allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad**, in connection with **Obera P.S. Case No. 51 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the court on two consecutive occasions, his bail
Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

S.Ali/-

U		T	
---	--	---	--

