

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57975 of 2019**

Arising Out of PS. Case No.-42 Year-2019 Thana- BALIGAON District- Vaishali

MD. MISTER @ MD. IRFAN Son of Md. Kamrul Resident of Village-  
Akhtiyarpur Doghra, Police Station- Baligaon, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Dharmesh Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      13-09-2019                      Heard learned counsel for the parties.

This application for anticipatory bail arises out of Baligaon P.S. Case No. 42 of 2019 for the offence punishable under Sections 363, 365 and 366(A)/34 of the Indian Penal Code.

The occurrence is said to have taken place on 08.05.2019 when, allegedly, the informant's daughter was kidnapped by co-accused Md. Mofiz in a bolero vehicle. The First Information Report has been registered when Baligaon Police Station, Vaishali, on 09.05.2019, disclosing that the informant learnt from Muzaffarpur Rail Police that his daughter and co-accused Md. Mofiz were there at Rail Police Station. The informant is said to have gone there and he learnt from his daughter that Md. Mofiz had kidnapped her forcibly. After recovery of the informant's daughter in the morning of



09.05.2018, the informant lodged the First Information Report in the evening at 6:30 PM. Statement of the victim has been recorded, a copy of which has been brought on record by way of Annexure-2. In her statement she has disclosed that she was kidnapped by co-accused Md. Mofiz in a vehicle, which was being driven by the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that the allegation that the informant's daughter was found by the Rail Police with co-accused Md. Mofiz, which was informed to him, without lodging any First Information Report then and there, creates serious suspicion over the case of the prosecution. He has further submitted that the petitioner has been implicated on the allegation of being driver of the vehicle.

I find certain fundamental discrepancy in the contents of the First Information Report and the statement of the victim recorded under Section 164 of the Cr.P.C.

Considering the above, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned C.J.M., Vaishali at Hajipur, in Baligaon P.S. Case No. 42 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is 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)**

Pawan/-

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