

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72952 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- CHIRAIYA District- East Champaran

Osaïd Alam, aged about 22 years, (Male) Son of Akhtarul Devan, resident of village- Chhota Mishraulia, Police Station - Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the informant : Mr. Anang Mohan Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Chiraiya P.S. Case No. 195 of 2019 registered for the offence under Section 363, 365, 366 (A)/34 of the Indian Penal Code.

The allegation against the petitioner is that the petitioner abducted the sister of the informant.

Learned counsel for the petitioner submits that petitioner as well as the victim girl was having love affair and the victim girl has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded before the learned Magistrate, which has been annexed as Annexure- 2 to the



petition. Learned counsel further submits that from perusal of the statement of the victim girl recorded under Section 164 of the Cr.P.C. it is evident that the victim girl has categorically stated that she was in love with the petitioner and the petitioner and the victim girl has performed marriage on their own will at New Delhi.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the victim girl in her statement made before the Court subsequently has stated that pressure was put on her at the time of recording her statement under Section 164 of the Cr.P.C.

Be that as it may, after hearing learned counsel for the parties and taking into consideration the fact that the victim girl has stated in her statement recorded under Section 164 of the Cr.P.C. that she has performed marriage with the petitioner on her own will and the petitioner and the victim girl was having love affair from before, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner Osaïd Alam in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order be released on anticipatory bail upon furnishing bail bond



of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Dhaka at East Champaran, Motihari in connection with Chiraiya P.S. Case No. 195 of 2019 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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