

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77657 of 2019

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

Chhotu Modak @ Chhatu Modak Son of Ram Modak Resident of Village-
Bauri Tola, Sitalpur, Police Station- Paharkatta, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 363, 366(A), 379 and 34 of the Indian Penal
Code.

Informant has alleged in his written complaint that on
30.03.2019, he along with his wife had gone for earning, when
they were informed that their daughter is not at her house and it
is alleged that Md. Razzaque, Md. Azul Alam and Rehana
Khatoon had come to his house and at the instigation of the Md.
Azul Alam, Md. Razzaque kidnapped her daughter and there is
further allegation that another two accused took away
25,000/- and golden chain from house. On 31.03.2019 at
about 09:31PM his daughter told him on her mobile that Md.



Razzaque has kidnapped and she is not aware that where she has been kept her. The girl was recovered by the police and her statement was recorded under Section 164 Cr.P.C. on 05.04.2019 in which she has alleged that petitioner is son of his uncle and asked if she wanted to marry him and she denied, thereafter he practiced black magic and she was hypnotized and he took her to Siliguri, from where Md. Razzaque took her to Gangtok and when her father informed she came back to Ishlampur from where police took her into custody.

It is submitted on behalf of the petitioner that no allegation is made against him, the FIR and the statement recorded under Section 164 is improbable and imaginary and cannot be trusted. It is further stated that Md. Razzaque has been granted anticipatory bail by a co-ordinate Bench of this Court as contained in Annexure-3 of the petition. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned court below, in connection with
Paharkatta P.S. Case No. 25 of 2019, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(S. Kumar, J)

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