

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3083 of 2020

Arising Out of PS. Case No.-176 Year-2018 Thana- RANIGANJ District- Araria

MD. SHAKIR S/o Md. Noorul Resident of Village- Bhsnapur, P.S.- Raniganj,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 19-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Raniganj P.S. Case no. 176 of 2018 registered under sections 366A, 363, 120B and 34 of the Indian Penal Code.

As per allegation in the FIR, the minor daughter of the informant was kidnapped by the petitioner for the purpose of marriage.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The petitioner and the daughter of the informant were on friendly terms, she went with the petitioner on her own volition, entered into Nikah and started living as wife and husband. It is under pressure that she has given her statement in course of investigation, of being kidnapped. It is submitted that the petitioner has filed Matrimonial case no. 157 of 2019 in the Court of Principal Judge, Family Court, Araria for restitution of



conjugal rights under section 281 of the Muslim Marriage Act. The petitioner is in custody since 19.9.2019 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, submissions made on behalf of the petitioner together with the medical report of the informant where the doctor has opined the age of the informant's daughter to be 18-20 year and filing of suit for restitution of conjugal rights by the petitioner, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Raniganj P.S. Case no. 176 of 2018 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria.

(Partha Sarthy, J)

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