

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7120 of 2020

Arising Out of PS. Case No.-231 Year-2019 Thana- MASHRAK District- Saran

AFZAL ALI Son of Usman Ali Resident of Village-Sankauli, P.S.-Masrakh,
District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-06-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Masrakh PS Case No. 231 of 2019 registered under Sections 366(A), 363, 379, 504 and 506 of the IPC.

The allegation is that the informant's 17 years old daughter Hazra Khatoon has been taken away by five unknown persons and that some ornaments and money has also been taken away.

Learned Counsel for the petitioner submits that during course of investigation, after recovery of the victim, her statement was recorded under Section 164 Cr.P.C. The same is mentioned in



para 30 of the case diary, copy of which has been called for earlier by this Court. In her deposition, she claimed her age to be 19 years though the court assessed the same to be 18 years. She has stated about her voluntarily going with the petitioner and that she has intimate relations with the petitioner. The statement of the victim belies the prosecution case as stated by her mother (informant).

Learned APP for the State has opposed the prayer for anticipatory bail. However he is not in a position to meet the statements mentioned in para 30 of the case diary.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 ACJM VI, Saran, Chapra in Masrakh PS Case No. 231 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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