

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7873 of 2020**

Arising Out of PS. Case No.-730 Year-2018 Thana- CHAPRA TOWN District- Saran

FARUK SAI @ FAROOKH SAI Son of Yunish Sai Resident of Village -
Nawada, P.S.- Isuapur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 03-06-2020 Heard.

The matter has been taken up through virtual Court proceeding.

The petitioner is languishing in jail since 13.12.2019 in a case registered for the offences punishable under Sections 363 and 366A/34 of the IPC.

The prosecution case, as per the written report of Gulam Hasan submitted to the SHO, Chapra Town Police Station, is to the effect that the younger sister of the informant, namely, Afreen Parween aged 14 years, was kidnapped by this petitioner, co-accused Faiyaz Rain and Jareen Khatoon on 13.12.2018 at 6.00 P.M.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 13.12.2018, the written report was



submitted on 15.12.2018, leading to registration of the FIR. It is further submitted that the victim girl was recovered on 13.12.2018 itself from the house of petitioner's sister and was medically examined when no internal or external injury was found. She was assessed to be aged between 17-18 years, however, no evidence of recent sexual assault was found. It is further submitted that the victim's statement under Section 164 Cr.P.C. was recorded on 18.12.2018 where she has alleged the offence of kidnapping against the petitioner but has not alleged any misbehaviour by him. It has been submitted that even assuming the accusation in the FIR and the statement of the victim under Section 164 Cr.P.C. to be true, at best, a case under Section 363 of the IPC is made out against the petitioner which is bailable. In fact, the victim on her own went with the petitioner. Moreover, no resisting injury was found on the body of the victim suggesting the accusation of kidnapping. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The investigation has already been concluded.

Learned APP submits that the accusation of kidnapping the victim girl is specific against the petitioner.

Considering the delayed lodging of the case, the



accusation in the FIR as well as statement of the victim under Section 164 Cr.P.C. only suggests a simple case of kidnapping, the investigation being concluded coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Chapra in connection with Chapra Town P.S. Case No. 730 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Chapra in connection with Chapra Town P.S. Case No. 730 of 2018 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further



extend the period of provisional bail if the lock down is not over in three months.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

