

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21669 of 2020

Arising Out of PS. Case No.-22 Year-2019 Thana- KANGLI District- West Champaran

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ZIKRULLAH KHAN @ JIKRULLHA KHAN @ JIKRUA AHKHAN Son of
Lal Khan Resident of Village - Kathiya Mathia, P.S.- Kangali, District - West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the informant	:	Mr. Nafisuzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2020

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 as also the learned Counsel for the informant.

Petitioner seeks bail in Kangli PS Case No. 22 of 2019 registered under Sections 341, 342, 323, 376, 504 and 506 of the IPC.

The FIR alleges that the petitioner has been establishing physical relation with the informant since six months prior to the FIR. Two months prior to the FIR on insistence for marrying with the informant, it is said that the petitioner abducted her and kept her at Delhi for two months, whereafter she managed to escape and approached the family members of the petitioner.

Learned Counsel for the petitioner submits that the FIR discloses allegation which are highly improbable and defies all cannons of logic and reasoning. The allegation is that she was



abducted two months prior to the institution of the FIR, though there is no information by her family members to any authority regarding informant being missing. It is apparent from the investigation and materials examined as has been noted in the order of rejection of the learned Sessions Judge that the age of the victim was assessed between 19 – 20 years and no sign of sexual intercourse was found. It is submitted that the prosecution is only to force the marriage of the petitioner with the informant. The petitioner has no criminal antecedent and is in custody since 10.1.2020.

Mr. Nafisuzoha, learned Counsel for the informant and the learned APP for the State have vehemently opposed the prayer for bail and have submitted that there is direct allegation of abduction and sexual abuse against the petitioner

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named 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 Judicial Magistrate, 1st Class, Bettiah, west Champaran in Kangli PS Case No. 22 of 2019 subject to 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.

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(Madhuresh Prasad, J)

