

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22820 of 2020

Arising Out of PS. Case No.-179 Year-2019 Thana- SALAKHUA District- Saharsa

Md. Ahmad Raza @ Md. Ahmad, Son of Md. Ayyub, Resident of Village-
Lalpur, P.S.- Salkhua (O.P. Banma Itahri), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-09-2020 Since 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 APP for the State.

The petitioner is apprehending his arrest in connection with Salkhua P.S. Case No.179 of 2019 registered for the offence punishable under Sections 363, 365, 366, 366A of the Indian Penal Code.

The case of the prosecution is that the informant's



daughter was found missing and he has learnt that she has been taken away for solemnizing marriage, by the instant petitioner.

It is submitted by the petitioner's counsel that the petitioner has no criminal antecedents. The statement of the informant's daughter recorded under Section 164 Cr.P.C. belies the prosecution case. The same has been taken note of in the order of rejection dated 16.03.2020 by the court of Additional Sessions Judge-III, Saharsa. As per the impugned order, it is apparent that the victim has claimed her age to be 17 years and she has stated that she has gone with the petitioner on her own volition.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Salkhua



P.S. Case No.179 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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