

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76308 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- ALINAGAR District- Darbhanga

MERAJ Son of Shamim Resident of Village - Hariyath, P.S.- Alinagar,
District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Bhubneshwar Prasad, Adv.
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 02-07-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Alinagar P.S. Case No. 48 of 2019, disclosing offence punishable under Sections 363, 366-A/34 of the Indian Penal Code.

Statement of the alleged victim has been recorded under Section 164 of the Cr.P.C. in which she has asserted that she was kidnapped by the petitioner from her village situated in the district of Darbhanga and was taken first Patna and then to Bangalore on 17.09.2019. Allegedly, two weeks thereafter, the petitioner brought the said victim to Danapur and fled away, leaving the victim behind at Danapur Railway Station.

Learned Senior Counsel appearing on behalf of the



petitioner has submitted that the petitioner is in custody since 04.09.2019 and even if the statement of the victim is treated to be correct at its face value, there is no allegation of any physical assault. The victim has been found to be major, contrary to what has been asserted in the FIR. He contends that the allegation against the petitioner levelled in the FIR and the facts disclosed in the statement of the victim under Section 164 of the Cr.P.C., if read together, casts a serious doubt over the case of the prosecution.

Be that as it may, since the alleged victim has been recovered and she has not made any allegation of physical assault against the petitioner and petitioner has remained in custody since September, 2019, this application 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 learned Sub-Divisional Judicial Magistrate, Benipur, Darbhanga in Alinagar P.S. Case No. 48 of 2019.

(Chakradhari Sharan Singh, J)

Rajesh/-

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