

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72838 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- CHANDI District- Bhojpur

MD. SAHADAT ALI @ SOHADAT @ SHAHADAT Son of Md. Ashraf @
Md. Ashraf Ali Resident of Village - Rupchakiya, P.S.- Chandi, Distt -
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 366A/34 of the
Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Rajgrihi Bhagat submitted before the Station House
Officer, Chandi Police Station is to the effect that on
04.07.2019, at 9.30 A.M., the informant's daughter went to learn
sewing, but she did not return. On 08.07.2019, the informant
was informed by a boy that the petitioner along with co-
accused, Muskim and Vikash Kumar were seen going in the
company of the daughter of the victim. When the informant
inquired about the same from the parents of the accused



persons, they did not answer satisfactorily and shown their inability.

It is submitted by learned counsel for the petitioner that the photocopy of the Matriculation certificate of the victim has been brought on record as Annexure-2 which suggests that the victim was major on the date of recovery. Moreover, during medical examination, the age of the victim has not been opined and in the statement of the victim girl recorded under Section 164 of the Cr.P.C., the victim has stated that on her own she went in the company of the petitioner and lived together as husband and wife.

It is submitted by learned APP for the State that the medical report of the victim does not suggest her age, but in the statement under Section 164 of the Cr.P.C. she has stated that she on her own went in the company of the petitioner.

Considering the fact that the accusation of kidnapping has not been supported by the victim in her statement under Section 164 of the Cr. P.C. and the victim being a major, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned CJM, Ara at Bhojpur, in connection with Chandi P.S. Case No.129 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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