

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85656 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- HATHAURI District- Muzaffarpur

MD. ARIF, Son of Raji Ahmad, Resident of Village- Khanpur Berai, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-06-2020 The petitioner seeks bail in anticipation of his

arrest in connection with Hathauri P. S. Case No. 126 of

2019 dated 25.07.2019 instituted for the offences under

Sections 363, 366 and 34 of the Indian Penal Code.

The informant has alleged that his minor daughter

has been kidnapped by Osama, Dilkash and Shahid Afridi.

The learned counsel for the petitioner submits that

despite the F.I.R. being lodged after nine days of the



occurrence, the petitioner has not been named in the F.I.R.; rather three other persons have been named.

It further appears from the investigation reports that the victim was recovered, who in her statement under Section 164 Cr.P.C. has named the petitioner. However, the manner in which the name of the petitioner transpires does not lend any credence to the prosecution version. The victim has stated that she had an affair with Osama and on a particular day, Osama, the petitioner and another abducted her and took her to Lucknow. Oshama had taken her to the market, when she was arrested by the police. In the background of this statement, the learned counsel for the petitioner has submitted that it does not appear to be reasonable that a girl who will have good relations with one of the accused persons, namely, Osama, would be required to be kidnapped by Osama and his associates. Apart from this, it is extremely difficult to take a woman from one place to a distant place without getting noticed. Had the victim girl not cooperated in going to Lucknow, perhaps the occurrence could not have taken place.



In any view of the matter, the victim has stated in her statement under Section 164 Cr.P.C. that she was not subjected to any physical misdemeanor.

It has therefore been submitted that merely because the petitioner happens to be one of the associates of Osama and other persons who have been named in the F.I.R. on whom the informant had suspicion, that the petitioner also has been named through the mouth of the victim who at the time of making such statement was under the control of her father.

The delay of nine days makes the case highly doubtful.

In any view of the matter, considering the accusation against the petitioner and the fact that the victim stands recovered, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Shri Deepak Kumar, Judicial Magistrate, 1st Class, Muzaffarpur in connection with Hathauri P. S. Case No. 126 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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