

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13088 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- BAHADURGANJ District- Kishanganj

Shafique @ Safique @ Md Safique, S/o Rasool @ Gulam Rasul @ Polister,
R/o Village- Palasmani, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 16-08-2021 The matter has been taken up 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 seeks bail in connection with Bahadurganj P.S. Case No.41 of 2020 registered for the offence punishable under Sections 366(A), 506/34 of the Indian Penal Code.

Informant has alleged that his daughter had gone for her grandfather's house on 09.02.2020 and she did not return. It



is alleged that the petitioner has forcibly taken her away on a motorcycle. The family members of the petitioner have threatened the informant when he had gone to the petitioner's house to make inquiries from them.

The petitioner's counsel submits that the alleged victim and the petitioner were having intimate relation. Petitioner has not forcibly taken her away. She is between 16-18 years and his implication is false. There is no allegation of any physical abuse. The petitioner is stated to be in custody since 27.02.2020.

This Court had earlier called for the victim's statement recorded under Section 164 Cr.P.C. Copy of the same has been received. Learned APP submits that the victim's age has been assessed to be 16 years by the court. The statement shows that the petitioner had allured her to accompany him to Delhi. There is no allegation that she was forced or she was in any way sexually abused.

Learned APP for the State has opposed the prayer for bail. Statement under Section 164 Cr.P.C., however, is undeniable.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of



grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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, Kishanganj, in connection with Bahadurganj P.S. Case No.41 of 2020, 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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