

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23017 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- BACHHWARA District- Begusarai

Ijamul Khan @ Najbuln @ Aryan @ Najbulain, Son Of Late Md. Nisar Ahmad Ansari @ Late Md. Nisar Ansari Resident Of Village- Maskan, Dargah Road, Ward No. 02, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam- Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2021 The learned counsel for the petitioner seeks permission to make rectification in the pleading at Para-13 of the bail petition.

Permission is accorded.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Bachhwara P. S. Case No.158 of 2020, instituted for the offences under Sections 366(A), 341, 323, 379, 384, 504, 506 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 20.08.2020, he is a person with clean antecedent and charge-sheet has been submitted in this



case.

The learned counsel for the petitioner submits that the informant in the F.I.R. alleges that this petitioner along with named accused persons kidnapped his minor daughter on 26.07.2020 and threatened to sell her in Bangladesh for prostitution. Further a demand of Rs.2,00,000/- was made by an unknown person for returning the daughter after the money is received by the mother of the petitioner.

The learned counsel for the petitioner submits that the informant was well aware of the fact that his daughter was in love with this petitioner and as such, a Panchayati was held in which, it was decided that the girl would return back home, but when the girl did not return, this present F.I.R. came to be instituted four days after the occurrence i.e. on 30.07.2020. Learned counsel submits that subsequently alleged victim came back home and got her statement recorded under Section 164 of the Cr.P.C. wherein she disclosed her age as 15 years and supported the prosecution case in which she has also stated that she was assaulted by the petitioner.

The learned counsel for the petitioner submits that the injury report of the victim discloses that the doctor did not find any external or internal injury nor presence of any recent sexual



assault was found and the age of the victim was assessed in between 16-17 years.

The learned counsel for the petitioner further submits that the victim having reached the age of discretion had eloped with the petitioner and thereafter, she came back home under pressure of her parents made her statement under Section 164 of the Cr.P.C. Further that the doctor has not found any injury as aforesaid.

Learned A.P.P. opposes the bail application, but is not able to meet the submission of the learned counsel for the petitioner with regard to the fact that there was a Panchayati held before the institution of the F.I.R. and that the F.I.R. was instituted after a delay of four days and the injury report does not record about any kind of injury on the person of the victim.

Considering the fact that the petitioner is in custody since 20.08.2020, he is a person with clean antecedent and charge-sheet has been submitted in the case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Mr. Sunil Kumar, learned Judicial Magistrate, 1st Class, Begusarai in connection with Bachhwara P. S. Case No.158 of



2020.

The application stands allowed.

(Satyavrat Verma, J)

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