

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29112 of 2020**

Arising Out of PS. Case No.-323 Year-2018 Thana- BAHADURPUR District- Darbhanga

1. Md. Rafik Nadaf @ Md. Rafique Nadaf @ Md. Rafique, Male, Aged about 45 years, Resident of Village-Ward No.13, Dhaalla, Taralahi, P.O.-Laheriasarai, P.S.-Bahadurpur, District-Darbhanga-846003.
2. Md. Pyare Nadaf @ Pyare Nadaf Resident of Village-Ward No.13, Dhaalla, Taralahi, P.O.-Laheriasarai, P.S.-Bahadurpur, District-Darbhanga-846003.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prashant Kumar, Adv.

Mrs. Tanuja Kumari, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4. 22-02-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in Bahadurpur P.S. Case No. 323 of 2018, registered for the offence punishable under Sections 363, 366A/34 of the Indian Penal Code.

The prosecution case, as per the interim report of Kailash Paswan (informant), is to the effect that on 09.07.2018 at about 8:00 PM, the minor daughter of the informant went to attend the call of nature, but did not return. In course of search, the informant came to know that these petitioners alongwith other co-accused persons named in the FIR kidnapped his minor daughter with intention either to kill her or to commit some immoral act with her.



It is submitted on behalf of petitioners that though, the alleged occurrence is said to have taken place on 09.07.2018, but FIR has been registered on 16.07.2018 without any plausible explanation. It is further submitted that during the medical examination, the victim was found to be aged about 18-19 years and the victim has stated in her statement recorded under Section 164 of Cr.P.C. that she was sedated by co-accused Saddam Nadaf, Hashim Nadaf and petitioners and on regaining consciousness, she found herself in New Delhi and after two days, she was forcibly got married with petitioner no. 2 (Pyare Nadaf) in a temple. It is further submitted that so far as petitioner no. 1 (Md.Rafiq Nadaf) is concerned, he has been dragged in this case, since he is relative of Md. Pyare Nadaf (petitioner no. 1) and there is litigation between him and informant. It is further submitted that the medical report does not suggest any injury or any sexual assault. Other two co-accused namely Hashim Nadaf and Saddam Nadaf have already been granted anticipatory bail by this Court, vide order dated 06.03.2020 passed in Cr.Misc. No. 73622 of 2019 (Annexure-2 to the petition).

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that the thrust of the accusation is against petitioner no. 2 Pyare Nadaf, who forcibly



married with the victim.

Considering the aforesaid facts and circumstances, the bail application of petitioner no. 1 Md. Rafik Nadaf @ Md. Rafique Nadaf is allowed.

So far as petitioner no. 2 Md. Praye Nadaf is concerned, since there is specific accusation against him of forcibly solemnizing marriage with the victim, in view of statement of the victim girl recorded under Section 164 Cr.P.C., his prayer for grant of anticipatory bail is refused.

Accordingly, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of copy of this order, let petitioner no. 1 namely Md. Rafik Nadaf @ md. Rafique Nadaf @ Md. Rafique be enlarged 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, Darbhanga in connection with Bahadurpur P.S. Case No. 323 of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Singh, J.)**

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