

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35825 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- SAHAR District- Bhojpur

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1. Anwar Ahmad Son of Jaisab Ali Resident of village- Awagila, Police Station- Sahar, District- Bhojpur
 2. Anjar Ahmad Son of Anwar Ahmad resident of village- Awagila, Police Station- Sahar, District- Bhojpur
 3. Md. Affzal son of Samsad Alam @ Bhola resident of village- Awagila, Police Station- Sahar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-04-2021 The learned counsel for the petitioners is directed to
remove the defects.

The learned counsel for the petitioners has filed
supplementary affidavit enclosing typed copy of the FIR,
statement of the victim recorded under Section 164 of the Cr.P.C.
and the final form submitted by the police after investigation.

Heard both sides.

The petitioners apprehend their arrest in Sahar PS
case No. 119/2019 registered under Section 363, 366(A)/34 of
the IPC.

The informant alleged that his daughter aged about 17



years went outside her house on 10.05.2019 to attend the call of nature but she did not return. The informant suspected that Shahnawaz Ahmad with the help of other accused persons kidnapped his daughter.

The learned counsel for the petitioners submits that the victim appeared on 26.06.2019 and made her statement u/s 164 of the Cr. P. C. (Annexure -2). The victim disclosed that she voluntarily left her house and went along with Shahnawaz Ahmad and she also solemnized marriage with Shahnawaz Ahmad according to Muslim religion. The victim did not make any sort of allegation against the petitioners. It is further submitted that police after investigation submitted final form but by filing affidavit the victim made her statement on oath on the basis of which the learned court below took cognizance differing with the finding of investigating officer.

Taking into consideration the facts aforesaid and the fact that petitioners are alleged to have assisted Shahnawaz Ahmad in kidnapping the victim but the victim at the first instance made her statement u/s 164 of the Cr. P. C. and she disclosed that she left her house out of her free will and solemnized marriage with Shahnawaz Ahmad, the petitioners, above named, in the event of their arrest/ surrender before the



court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Bhojpur, Ara in connection with Sahar P.S. case No. 119/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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