

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3113 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- KASBA District- Purnia

MD. APSAR ALAM @ AFSAR ALAM Son of Sagir Alam @ Md. Sagir
Resident of Village - Shanti Nagar kasba, Ward no.2, P.S.- Kasba, Distt.-
Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the
State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Sections 363 and 366 of the Indian
Penal Code.

Allegedly, informant's daughter aged about 19 years
was abducted by this petitioner and co-accused person.

The main submissions advanced by the learned
counsel for the petitioner are that so-called victim has been
recovered and she has recorded her statement before the police
under section 161 Cr.P.C in which she denied the allegation
made in the FIR and accepted love affairs with the petitioner
and this petitioner and so called victim was in love affairs and



wanted to marry and later on, after recovery, present case was lodged with false allegation. Further submission is that victim has sufficient opportunity to raise *hulla* but she remained silent which shows her consent in living with the petitioner and the petitioner has been rotting in jail since 08.11.2021.

Learned APP opposes the prayer for bail.

I have heard both sides and perused the FIR. So called victim who is major girl has been recovered and her statement recorded by the Judicial Magistrate has been described in the order impugned by the court below which shows that no other allegation except abduction appears against the petitioner. Considering these facts as well as petitioner's period custody and victim recovery, in my view, lenient approach may be taken in respect of the petitioner. Let the petitioner 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 Chief Judicial Magistrate, Purnea in Kasba Police Station Case No. 260 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Kasba P.S. Case no. 197/2015 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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