

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17044 of 2020

Arising Out of PS. Case No.-588 Year-2019 Thana- DANAPUR District- Patna

KHABIRULLAH @ KHABIGULLA Son of Amirullah Resident of Village -
Hardiya, P.O. - Jeetpur (Mathia Brit), P.S.- Chhauradano, Distt - East Cham-
paran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/ : Mr.Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 02-03-2022 Learned counsel for the petitioner is directed to re-
move all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehends his arrest in connection
with Danapur P.S. Case No. 588 of 2019, registered for the of-
fences punishable under Sections 366 of the Indian Penal Code.

As per written report of the informant, Ramkishore
Singh, his daughter Arti Kumari was living along with her elder
sister at Saguna More in Adarsh Colony. He has alleged that on
22.07.2019 at 3.30 p.m. she went to attend the coaching in
Satyajeet Classes but she did not return. Her mobile phone was



switched off. The informant has further stated that before 22.07.2019 unknown calls were made to her daughter from the SIM No. 6207069038 and 9006561673 and he expressed his firm belief that the unknown caller had kidnapped his 18 years old daughter.

Learned counsel for the petitioner has submitted that the name of the petitioner has not figured in the FIR. He has further submitted that the real fact is that the victim was in love and affair with the present petitioner and she went with the petitioner with her own sweet will. When the case was lodged the victim under pressure of her father mentioned in her statement under Section 164 Cr.P.C. that she was kidnapped by this petitioner.

The certified copy of the statement of victim under Section 164 of the Cr.P.C. has been annexed with the record. In her statement the victim has stated that when she was coming from coaching, one Khabirullah (the petitioner) called her from behind. He was her co-villager. He gave her his handkerchief to wipe the sweat and after wiping the sweat she felt intoxicated and he took her to Delhi without her will.

Learned counsel for the petitioner has submitted that there is nothing in the statement of victim girl under Section 164



Cr.P.C. that she raised any kind of protest. He has further submitted that the petitioner was known to the victim before the alleged occurrence. As such, the statement under Section 164 of the Cr.P.C. appears to have been made due to pressure upon her.

Considering the above-mentioned facts and circumstances as well as the fact that petitioner is a person of clean antecedent, let the petitioner, in the event of his arrest or surrender, be released on anticipatory bail within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I Danapur at Patna in connection with Danapur P.S. Case No. 588 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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