

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4209 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- LAUKAHA District- Madhubani

Md. Ashfak Ahmad @ Md. Ashafak @ Md. Ashfaque Ahmad, Son Of Md.
Saud Ahmad, R/O Village- Piprahi, P.S.- Ladaniya, District- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Shubham

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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

ORAL ORDER

3 31-05-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for regular bail on behalf of the
petitioner for the offences alleged under Section 363, 366 (A) of
the Indian Penal Code, registered in connection with Laukaha
(Lalmaniya) P.S. Case No. 185 of 2019, G.R. No. 1115 of 2019.

As per allegation, the petitioner along with co-accused
persons kidnapped the minor daughter of the informant.

The learned counsel for the petitioner has submitted
that two cases were lodged for kidnapping the informant's



daughter. First is the present case as Laukaha (Lalmaniya) P.S. Case No. 185 of 2019 and second is same police station Case No. 35 of 2020. In both cases the statement of the victim was recorded under Section 164 Cr.P.C. separately. In her statement recorded in Laukaha (Lalmaniya) P.S. Case No. 185 of 2019, she levelled allegation against the present petitioner of kidnapping her but in her Laukaha (Lalmaniya) P.S. Case No. 35 of 2020, the victim in her statement recorded under Section 164 Cr.P.C. has stated that she went with petitioner to Delhi and therefrom Jaipur and she solemnized marriage with him according to Hindu Riti.

The learned counsel for the petitioner has further submitted that the real fact is that the petitioner and the victim girl were in love affairs and her father lodged two cases falsely implicating the petitioner. The petitioner is in custody since 01.12.2021.

Considering the above facts and circumstances as well as the period of detention, let the petitioner above-named, 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 learned ACJM, Jhanjharpur, Madhubani, in connection with Laukaha (Lalmaniya) P.S. Case No. 185 of



2019, G.R. No. 1115 of 2019, subject to following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make him available as and when required by the court.

2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and learned court below will take decision in accordance with law.

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

(Nawneet Kumar Pandey, J)

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