

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12886 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- DAGARUA District- Purnia

Md. Mubarak @ Mubarak Ansari, Son of Late Md. Mansoor Alam @ Mansur Alam, R/o Village- Dagarua Hat, P.S.- Dagaruwa, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dagaruwa P.S. Case No. 320 of 2021 registered
for the alleged offences under Section 366 of the Indian Penal
Code.

As per prosecution case, the petitioner took away the
daughter of the informant inducing her with proposal of
marriage and later on solemnized marriage with her. The
informant showed his apprehension that some mishappening
might take place with his daughter.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the daughter of the informant eloped with the petitioner. Her statement was recorded by the police in which she admitted that she went with the petitioner on her own. However, when her statement was recorded under Section 164 Cr.P.C., she stated that she was forcibly taken away by the petitioner and she was raped by him. Learned counsel further submits that the victim is major and went away with the petitioner out of her own sweet will and at the instance of informant, she changed her statement under Section 164 Cr.P.C. although in the FIR, the informant has stated that the victim informed that she went with the petitioner. Learned counsel further submits that the victim has been medically examined and her age was found to be more than 18 years and no sign of rape has been found. The victim girl has left her house on 11.11.2021 and the FIR has been lodged on 13.11.2021. The petitioner is in custody since 06.12.2021 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner took away the daughter of the informant forcibly.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the possibility of act of the daughter of the informant being voluntary in nature with the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dagaruwa P.S. Case No. 320 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

