

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22457 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- PHULWARIYA District- Gopalganj

Junaid Miyan, Son of Bhola Miyan, Resident Of Village - Jaipur, P.S.-
Kateya, District - Gopalganj, Pin Code- 841441.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar
		Mr. Rajesh Roy
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 363
and 366(a) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that her minor daughter aged about 17 years had gone to
purchase some households articles, but did not return. Further,
on inquiry, the informant came to know that petitioner along
with others had kidnapped his daughter for marriage. Further,
the informant went to Jaipur and inquired from father of the
petitioner and requested him to hand over his daughter on which



he feigned ignorance.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from the tenor of the allegation as alleged in the F.I.R., it would manifest that the informant was well aware of the fact that his daughter was having an affair with the petitioner or else he would not have gone to Jaipur for inquiry. It is next submitted that though the victim has supported the prosecution case, but then from tenor of her statement recorded under Section 164 of the Cr.P.C., it would manifest that victim and petitioner had studied together and thus, were known to each other well, hence she was knowing his family members. Further, even the allegation in the F.I.R. also suggests that informant was also aware of this fact, thus he went to Jaipur. Further, the victim has clearly stated that petitioner did not misbehaved with her rather they roamed together. From statement of the victim, it does not appear that she raised any hue and cry while roaming with petitioner in Jaipur. This further suggests that she was well acquainted with the petitioner, but on parental pressure, she has supported the prosecution case, but then has also not alleged anything against the petitioner in her statement to even remotely suggest that he misbehaved. It is



also submitted that victim has disclosed her age as 20 years in her statement recorded under Section 164 of the Cr.P.C., as such, it cannot be said that she was a minor as alleged in the F.I.R.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Phulwaria P. S. Case No.115 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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