

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27733 of 2022**

Arising Out of PS. Case No.-148 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

MD. SADDAB Son of Md. Khurshid Resident of Village - Khatopur, P.S.-
Muffasil (Lakho), District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 366(A), 34
of the Indian Penal Code, in connection with Begusarai
Muffasil P.S. Case No. 148 of 2022.

As per the FIR, the informant has alleged that
she found her minor daughter not present in the home. When
she went outside, saw a boy standing near her gate with
motorcycle. She raised alarm whereafter the boy tried to



escape but with the help of locals, he was apprehended who disclosed that her daughter was taken away by Md. Rohan @ Rishav and his family members.

Accordingly, the FIR was lodged and he was taken into custody.

Learned counsel for the petitioner draws attention of this Court to para-16 of the bail application in support of his submission that the girl was examined under section 164 of the Cr.P.C. in which she has stated that she went on her own will with Md. Rohan @ Rishav and has solemnized marriage with him at Radha Krishna Mandir, Katihar.

Learned counsel for the petitioner submits that neither he is Md. Rohan @ Rishav nor he is anywhere related to him and only because he was standing with the motorcycle outside the informant's house, on suspicion he was apprehended, arrested. He lastly submits that the petitioner do not have any criminal antecedent and is in custody since 20.3.2022 (as stated in para-1 of the bail application).

Considering all the aforesaid facts that the petitioner on apprehension was caught outside the house of



the informant. Further, as per statement made by the learned counsel for the petitioner the girl has made statement different from the version in the FIR, is in custody since 20.3.2022 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail. If, however, it is found that any statement made by the learned counsel for the petitioner is false, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil P.S. Case No. 148 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing



which the State shall be at liberty to take steps for
cancellation of his bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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