

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28468 of 2022**

Arising Out of PS. Case No.-35 Year-2020 Thana- LAUKAHA District- Madhubani

MD. ASAF AK @ MD. ASAF AK AHMAD Son of Md. Saud Ahmad Resident
of village - Piprahi, P.S.- Ladaniya, Dist.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 02-09-2022 Heard learned counsel for the petitioner and
learned APP for the State in Virtual Court Proceeding.

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

The case is registered under sections 363, 366(A)
of the Indian Penal Code, in connection with Laukaha
(Lalmaniya O.P.) P.S. Case No. 35 of 2020.

As per the allegation in the FIR, according to the
informant, he came to know about kidnapping of his minor
daughter and in the FIR, he alleges that the same was done by
the petitioner herein with the help of other accused persons.

Subsequently, the victim girl was recovered and
she made a statement under section 164 of the Cr.P.C. and the
counsel for the petitioner who has procured the certified copy of



the said statement has made it part of the bail application according to which the victim girl submitted that she is 18 years of age and on 8.2.2020 she left the place on her own along with the petitioner herein and solemnized marriage with him and wants to return to her in-laws place instead of her parents. Further, as per the order of the learned Sessions Judge, on 25.4.2022 when the bail application of the petitioner was rejected, the victim girl was pregnant by 19 weeks one day.

Considering all the aforesaid facts as also the statement made by the victim girl under section 164 of the Cr.P.C. and the further fact that she did not allege kidnapping on the part of the petitioner, this Court is inclined to grant him the privilege of bail.

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 the learned A.D.J.-VII, Madhubani, in connection with Laukaha (Lalmaniya O.P.) P.S. Case No. 35 of 2020 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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