

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40677 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- DHAKA District- East Champaran

SK. MUSTAK @ SK. BACHCHU Son of Sk. Obaidullah Resident of Village - Jhitkahin, P.S.- Dhaka (Pachpakari O.P.), District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulnaz Begam Wife of Sk. Mustak @ Sk. Bachchu Resident of Village - Sk., Jhitkahin, P.S.- Dhaka (Pachpakari O.P.), District - East Champaran. Presently Resident of Village - Saratha, P.S.- Dhaka, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 14-02-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Dhaka P.S. Case No. 38 of 2021 instituted for the offences under Sections 498(A), 366(A), 120(B) of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act read with Sections 4 and 8 of the Protection of Children from Sexual Offenses Act, 2012

Learned counsel for the petitioner submits that the petitioner is in custody since 14.02.2021, is a person with clean



antecedent and charge-sheet has been submitted.

The informant alleges that she was married to the petitioner about six and half years back, further the petitioner along with named accused persons started demanding Rs.1,00,000/- and also started pressurizing her father to register land in the name of the petitioner and even ousted the informant from the matrimonial home for non-fulfillment of the dowry demand and the informant started staying with her parents. It is further alleged that on 24.01.2021, the petitioner kidnapped the minor daughter, aged 13 years, of her sister with a view to sell, the informant further alleges that the petitioner has also joined a gang who indulges in kidnapping.

Learned counsel for the petitioner submits that as far as the allegation of kidnapping of minor is concerned, the minor is back, further it is submitted that it is novel way of implicating the husband by falsely alleging that he also indulged in kidnapping and has become a gangster. Learned counsel further submits that the girl after coming back home before the police did not support the prosecution case but in her statement under Section 164 Cr.P.C. supported the prosecution case. It is thus submitted that the daughter of the sister of the informant under pressure of the informant and her family members supported the



prosecution case in her statement under Section 164 Cr.P.C.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and the alleged victim has given two conflicting statements before the two different authorities, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran at Motihari in connection with Dhaka P.S. Case No. 38 of 2021.

(Satyavrat Verma, J)

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