

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32877 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- KHAIRA District- Saran

Aftab Ali Son of Anwar Ali Resident of Village - Dhupnagar Dhobwal, P.S.-
Khaira, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anis Akhtar, Advocate
		Mr. Rananjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 124 of 2022 registered for the offence under
Sections 363 and 366(A) of the Indian Penal Code

The accused/petitioner is named in the F.I.R. and is in
custody since 31.03.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, alongwith other co-accused
persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in this case, as negotiation of marriage could not succeed. It is also submitted that petitioner arrested on same very day on which the F.I.R. was lodged, therefore, the allegation as to keep victim/daughter of the informant in confinement for two days is appearing false on its face. It is further submitted that victim appears major, as per medical report for the reason that she appeared between age group of 18 to 20 years. It is submitted that even by taking note of the statement of victim as recorded under Section 164 of the Cr.P.C., there is no allegation as regard to sexual assault. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of sexual assault is not available against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khaira P.S. Case No. 124 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate 1st Class, Chapra,
Saran/concerned court, subject to the conditions as mentioned
under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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