

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45904 of 2021

Arising Out of PS. Case No.-352 Year-2021 Thana- KHAGARIA District- Khagaria

MD. REHAN S/o Md. Raju Resident of Village- Kathalbari Dharmapur
Jendabari, P.S.- Gwalpara, District- North Dinajpur, west Bengal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Khagaria (Gangaour) P.S. Case No. 352 of 2021, for the offence
punishable under Section 366(A) of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner
has forcibly taken away the daughter of informant while she was
going to her maternal uncle's home. The victim was handed
over to the petitioner by the Police.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the victim in her
statement recorded under Section 164 Cr.P.C. stated that she had



voluntarily gone along with a boy named Prem. The petitioner is not connected with the alleged offence and under misconception, he has been arrested by the Police. No complaint has been made against the petitioner by the victim girl.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and perused the allegation made in the F.I.R. it appears that the victim in her statement recorded under Section 164 Cr.P.C. has admitted that she had voluntarily gone along with one boy named Prem. However, there is contradiction in the version of the statement made by the informant that petitioner was caught with the victim while he was at Khagaria. Neither the informant nor the victim has made any allegation against the present petitioner that he had assaulted the victim or he had kidnapped her rather the victim had voluntarily gone with the boy namely Prem. Prima facie, the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Khagaria in connection with Khagaria (Gangaour) P.S. Case No. 352 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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