

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38744 of 2022

Arising Out of PS. Case No.-1224 Year-2020 Thana- NAWADA District- Nawada

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SHOIAB AKTHAR @ SHOIAB MALLIK son of Haasim Mallik @ Md. Haasim Resident of Bhadauni, Police Station- Nawada Town, District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

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

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The informant alleges that his minor daughter was enticed and she eloped with sons of Hasim Mallik but the victim returned as the issue was settled on 12.12.2020. It is further alleged that on 30.12.2020, the daughter of the informant had gone to market but she did not return, hence, the informant



suspected that again they have taken his daughter. Further, threatening calls came twice from the mobile of the father of the accused persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the victim has come back and her statement was recorded under Section 164 Cr.P.C. wherein she has disclosed her age as 19 years and the learned Magistrate has assessed her age as 18 years and has not supported the case of the prosecution. It is next submitted that it absolutely does not stand to reason that as to why the learned District Court while rejecting the anticipatory bail application in a mechanical manner does not even record the relevant facts which amply demonstrates that either the learned District Court does not want to apply its mind or in a casual and perfunctory manner decides the cases.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nawada Town P.S. Case No. 1224 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Let a copy of this order be sent to the learned District Judge, Nawada for perusal of the learned Additional District and Sessions Judge-I, Nawada.

(Satyavrat Verma, J)

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