

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39863 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- KANTI District- Muzaffarpur

1. Aayesha Begam W/O Mohammad Ayanul Haque Resident Of Village-Virpur, P.S.- Kanti, District- Muzaffarpur.
2. Mohammad Shamshad S/O Mohammad Ayanul Haque Resident Of Village-Virpur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-10-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Kanti P.S. Case No.101 of 2022 registered for the offences punishable under Sections 363, 365, and 366(A) of the Indian Penal Code.

As per the allegation, the victim who happens to be the daughter of the informant, went outside her home on the alleged date and time of occurrence for lamination of her academic certificate and on the way the accused persons including the petitioners kidnapped the victim with an intention



to commit rape with her by petitioner No.2 and other two accused persons and also for trafficking the victim and the accused persons belong to the same village of the informant and when the informant asked the accused persons to return his daughter they bluntly refused with saying that the victim had been purchased by them.

The main submissions advanced by the learned counsel Ms. Vaishnavi Singh for petitioners are that the allegations made in the FIR are totally false, in fact the so-called victim left her father's house according to her own free will and the petitioners neither induced the victim nor forced her to leave the custody of her father and in the present the said victim has been recovered and she has recorded her statement before the Judicial Magistrate in which she has not supported the allegations of the FIR and she accepted her matrimonial relationship with co-accused Md. Naushad. Further submission is that the magistrate concerned who recorded the statement of the victim, assessed the age of the victim as 18 years and against the petitioners investigation has been completed and they have been languishing in jail since 18 February, 2022.

Learned APP Mr. Tarkeshwar Nath Thakur appearing for the State has opposed the bail prayer.



Heard both sides and perused the FIR and the statement of the victim recorded under Section 164 Cr.P.C. filed by the petitioner. At this stage the most important evidence which is the victim's own statement recorded before the Judicial Magistrate goes against the allegations of the prosecution made in the FIR and the facts revealed by the victim before the Judicial Magistrate are completely against the prosecution story narrated in the FIR and moreover the said so-called victim said nothing against the petitioners in her statement and she accepted her matrimonial relationship with co-accused Md. Naushad before the Judicial Magistrate. Considering these facts and also taking into account the custody period of the petitioners and the fact that the investigation has been completed against them, in the opinion of this Court a lenient approach can be taken in respect of petitioners' prayer, let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Kanti P.S. Case No.101 of 2022.

(Shailendra Singh, J.)

murli/-

U		T	
---	--	---	--



