

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41053 of 2022**

Arising Out of PS. Case No.-868 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Md Jalauddin @ Lal Babu, Son Of Md. Alluddin, Resident Of Village -
Banaras Bank Chowk, Nala Road, P.S.- Town, Distt.- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a
case registered for the offences punishable under Sections 363 and
366(A) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant alleges
that petitioner kidnapped her minor daughter for marriage.

The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is next
submitted that the victim has come back and her statement was
recorded under Section 161 of the Cr.P.C. wherein she has stated that
she was taken to Majhauiliya by petitioner and was left free and when
the police came to know about her presence at Majhauiliya, the police
came and took her to the Police Station while in her statement



recorded under Section 164 Cr.P.C., she has taken dramatically opposite stand and has stated that petitioner offered her cold water and she became unconscious and when she gained consciousness, she found herself in Durgapur in a room and when she raised alarm, she was taken out of the room and she informed the parents, who came along with police and took her to the house.

The learned counsel submits that from perusal of her statement recorded under Sections 161 Cr.P.C. and 164 Cr.P.C., it would manifest that though she alleges that petitioner had taken her, but very subtly does not allege any kind of allegation relating to abuse, misbehaviour or sexual assault. It is further submitted that even her statement under Sections 161 Cr.P.C. and 164 Cr.P.C. are not in consonance with each other, which further creates doubt with regard to the veracity of the allegation. However, It is submitted that petitioner will not evade the law, he will cooperate in the investigation and will present himself as and when required by the Investigating Officer, so that the truth comes out.

Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Court below where the case is pending in connection with Town P. S.
Case No.868 of 2021, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if the investigating officer of the
case files an application before the learned trial Court bringing to its
notice that the petitioner despite giving assurance to this Court is not
cooperating in the investigation or is not presenting himself when
called, the learned trial Court after giving an opportunity of hearing
to the petitioner shall pass orders in accordance with law and shall
also have liberty to cancel his bail bonds.

The learned trial Court is directed to send a copy of this
Order to the concerned Police Station.

(Satyavrat Verma, J)

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