

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53921 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- KADWA District- Katihar

Md. Muntajir, Son of Jainul, R/O Village- Nikhara, P.S.- Kadwa, District-
Katihar ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 24-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kadwa P.S. Case No. 134 of 2020 registered for the offences punishable under Sections 366(A)/379/120(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 05.07.2020, at about 2.00 AM, hulla was raised by the wife of the informant that his daughter, namely, Rahina Khatoon @ Rehana Khatoon, was forcibly taking away by the petitioner and other co-accused persons from her house. It is further alleged that the informant and other family members tried to catch them, but the accused persons fled away by taking her daughter



on motorcycle.

Learned counsel appearing on behalf of the petitioner submits that with regard to an occurrence, which took place on 05.07.2020, the F.I.R. has been instituted on 08.07.2020. However during the course of investigation, the victim was recovered from the house of the petitioner and her statement was recorded under Section 164 of the Cr.P.C. wherein she categorically stated that she left her house with the petitioner on her sweet will and they have already solemnized marriage with each other. It is also submitted that since she voluntarily solemnized marriage with the petitioner, her parents have instituted the present false case. The victim was also medically examined and her age has been assessed in between 18-19 years and she was also found having pregnancy of three months and later on she blessed with a son. It is lastly submitted that the victim is presently residing at the house of the petitioner and the petitioner is in custody since 15.03.2021, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the victim was a minor girl and she was forcibly taken away by the petitioner and thereafter solemnized the marriage.

Having regard to the submissions made on behalf of



the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C., as also the medical report, assessing her age, inasmuch as the custody of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Katihar in connection with Kadwan P.S. Case No. 134 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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