

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58966 of 2021

Arising Out of PS. Case No.-21 Year-2019 Thana- HABIBPUR District- Bhagalpur

MD. KAMRAN Son of Md. Yusuf Resident of Shahjangi Islampur, P.S.-
Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 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 after complete start of the physical Court.

The petitioner seeks regular bail in connection with
S.T. No. 90 of 2020 arising out of Habibpur P.S. Case No. 21 of
2019 instituted for the offences under Sections 366, 376 and
120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
police after investigation submitted charge-sheet under Sections
363 and 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.06.2019, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that petitioner is her son-in-law



and the petitioner along with his parents were demanding Rs.2,00,000/- from the informant but the informant showed her inability as she had to marry her younger daughter. Further the petitioner kidnapped her minor daughter 'X' and brought her to his aunt's place from where she was taken to Bengal where she was sexually exploited for two months and from there she was brought to Bihpur and kept in desolated house where the petitioner had called several variously armed persons for getting the victim gang rape and thereafter to kill her but all the accused persons fled away when elder brother of the informant on coming to know went to the place of occurrence along with his people.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the petitioner is own son-in-law of the informant and the allegation appears to be inherently improbable that the petitioner would have kidnapped his own sister-in-law. Learned counsel further submits that the date of occurrence is 27.11.2018 and the FIR came to be instituted on 11.02.2019 i.e. after a delay of more than two months without any plausible explanation. Learned counsel also submits that the Doctor assessed the victim above 18 years of age and found no sign of sexual



assault. Learned counsel further submits that the charges have been framed against the petitioner.

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

Considering the fact that the petitioner is in custody, charges have been framed, is a person with clean antecedent and the FIR was instituted after a delay of two months and in the nature of allegation as alleged, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Bhagalpur in connection with S.T. No. 90 of 2020 arising out of Habibpur P.S. Case No. 21 of 2019.

It has been submitted by the learned counsel for the petitioner that though charges have been framed but the trial has not yet commenced.

(Satyavrat Verma, J)

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