

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58192 of 2021

Arising Out of PS. Case No.-274 Year-2021 Thana- EKMA District- Saran

Sayub Ansari, Son of Asagar @ Asagar Ali @ Alee Asgar, Resident of Village
- Ganjpar, P.O. and P.S.- Ekma, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in
connection with Ekma P.S. Case No. 274 of 2021 for the
offences punishable under Sections 363 and 366A of the Indian
Penal Code.

As per the prosecution case, it is alleged that on
10.07.2021 the daughter of the informant, namely, Nisha
Kumari, along with her friend and her cousin brother Chhotu
Kumar had gone to Bank. After some time she has been
informed that the victim was kidnapped by the accused-



petitioner and she was taken away by Swift D-Zire car with intention to marry.

It is submitted on behalf of learned counsel for the petitioner that during course of investigation the girl was recovered and her statement under Section 164 of the Cr.P.C. has been recorded (Annexure-2 to this application). In her statement, she stated that altogether five persons were taken away her, but later on, in the night she has been dropped from the car. It is further stated by the victim that none of the accused persons has committed any illegal act nor applied any force. Further, the victim was also examined by the Medical Board and her age has been assessed in between 18-20 years and no evidence of recent sexual intercourse has been found.

Learned counsel for the petitioner next submits that even if the allegation made in the F.I.R. is taken to be true, no case under Section 366A of the Indian Penal Code is made out and at best it is a case of Section 363 of the Indian Penal Code, which is bailable in nature. It is next submitted that the petitioner is a man of clean antecedent and he is in custody since 23.07.2021.

On the other hand, learned APP for the State submits that in the F.I.R. it is alleged that this petitioner has taken away



the victim for the purpose of marriage.

Having considered the submissions made on behalf of the parties and taking into consideration the statement of the victim recorded under Section 164 of the Cr.P.C. wherein no allegation of any force or illegal act has been attributed against the petitioner and moreover this petitioner has got clean antecedent and is in custody since 23.07.2021 and this Court also find force in the submission of the learned counsel for the petitioner that at best it is case under Section 363 of the Indian Penal Code, which is bailable, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Ekma P.S. Case No. 274 of 2021 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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