

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64027 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- THAKURGANJ District- Kishanganj

MD. MAGLU @ MD. AKBAR Son of Khurshid Alam R/o Village - Haider
Nagar, P.S. - Thakurganj, Dist. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 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.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363, 365,
366(A) and 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that his minor daughter, aged
about 15 years, is missing from the house since 10.11.2020 and
the informant was thinking that she had gone to attend the call
of nature but when she did not return then a search was made
and, accordingly, the informant came to know that Shamim @
Badal and Md. Shaidul were seen with the minor girl going



towards Thakurganj. It is alleged that the informant also came to know that they were being followed from behind by Khurshid Alam, Pawan Paswan and Manglu (petitioner) whose houses are adjacent to the house of the informant. It is alleged that on 11.11.2020 the informant went to the Sarpanch of the village who assured that he will get the minor girl back. Thereafter, the informant went to the house of Shamim but no one was found in the house, as such, it is alleged that the accused persons had kidnapped the minor daughter of the informant with an intention to marry.

Learned counsel for the petitioner submits that petitioner has been falsely implicated and from perusal of the allegation as alleged in the FIR, it would manifest that an attempt was made by the informant to falsely implicate the accused persons when he was aware that his daughter was in love with Md. Shamim. It is next submitted that it absolutely does not stand to reason that as to how the informant gave such vivid description of the occurrence when he was not an eyewitness to the occurrence. It is also submitted that the FIR does not disclose the name of the person who disclosed to the informant about the occurrence. This amply demonstrates that the informant made an attempt to falsely implicate all those who



were known to Md. Shamim. Learned counsel further submits that the girl on her own volition came back and under parental pressure she was made to record her statement under Section 164 Cr.P.C., wherein with respect to the present petitioner she alleges that he forcibly made her sit on the vehicle. It is next submitted that from perusal of the impugned order it would also manifest that perhaps the victim has not stated about any sexual assault against her by the accused persons. It is also submitted that since the FIR is not under Section 376 of the Indian Penal Code, hence, it is presumed that no harm was caused to the victim.

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

Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent and is a young man of 25 years of age, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection



with Thakurganj P.S. Case No. 135 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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