

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54937 of 2022

Arising Out of PS. Case No.-335 Year-2022 Thana- SHASTRINAGAR District- Patna

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Parvez Alam @ Md. Parvez Alam, Son Of Md. Naushad @ Md. Naushad
Alam R/O Village- San Saraiya, P.S.- Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh
Mr. Shivam
For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Shastri
Nagar P. S. Case No. 335 of 2022, registered for the
offences punishable under Sections 365, 366(A) and 34 of
the Indian Penal Code.

The prosecution case as emerging from the FIR is
that one Priyanka Kumari, aged about 17 years, was enticed



by the accused-petitioner, Parvez Alam with the help of co-accused, Md. Nausad and Md. Muslim Mian on 10.06.2022 with intent to marry her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that the alleged victim is major, above 18 years of age and there was love affairs between the alleged victim and the accused-petitioner and on the alleged date of occurrence in fact there was no kidnapping but the alleged victim had voluntarily joined the accused-petitioner for marriage and they got married on 10.06.2022 and marriage certificate has also been issued by the Marriage Officer, Patna. She also refers to statement of the alleged victim as recorded under Section 164 Cr.P.C. in which she has not supported the case of the prosecution. In fact, she has stated that on the date of alleged occurrence she got married with the accused-petitioner in presence of the Marriage Officer. In regard to age, she refers the Aadhar Card as well as birth certificate as per which the alleged-victim was 18 years of age.



It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

Ld. APP for the State vehemently opposes the prayer of the petitioner for bail. However, he fairly concedes that as per material on record, no offence is made out against the accused-petitioner. In fact, this is persecution and not prosecution.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Patna, in connection with Shastri Nagar P. S. Case No. 335 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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