

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66181 of 2021

Arising Out of PS. Case No.-298 Year-2021 Thana- CIVIL LINE District- Gaya

SAIF ALI KHAN Son of Shahnwaj Khan Resident of Village - Chainpur
(Near Masjid), P.S.- Chainpur, Distt. - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the Informant	:	Mr. Shivendra Prasad, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant 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 bail in a case registered for the
offence punishable under Section 366(A) of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that petitioner, who works as a
driver of Dr. Heena Firdaus, kidnapped the minor sister of the
informant, aged about 17 years. Further, when the informant
went to the house of the petitioner, his family member



demanded ransom of Rs.5,00,000/- for safe release of the minor sister of the informant.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and during the course of investigation at para 42 and 43 of the case diary, it has come that the petitioner and the victim were in love and thus she eloped with him. Learned counsel further submits that at para 12 of the case diary, it is recorded that pursuant to the information given by the father of the victim, the police tracked and apprehended the accused along with the victim at Kashinath Road, Gaya. Learned counsel further submits that the police in the case diary has recorded that the victim along with the petitioner were apprehended at Gaya pursuant to the information given by the father of the victim but the victim in her statement recorded under Section 164 Cr.P.C. has stated that her father had gone to Lucknow from where he brought the victim back. It is, thus, submitted that the victim prima facie in her statement under Section 164 Cr.P.C. has made false statement for reasons best known to her that she was kept at Lucknow when the police records that the victim was recovered from Gaya itself. Learned counsel further submits that from perusal of the statement of the victim under Section 164 Cr.P.C.



it would manifest that she has not alleged any sexual violence against her by the petitioner. It is further submitted that rather from perusal of the statement of the victim, it would manifest that the same was given under parental pressure and in the way she has helped the petitioner by getting her statement recorded under Section 164 Cr.P.C.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that in the medical report, it is recorded that some hard and blunt substance was inserted in the private part of the victim but is not able to meet the submissions of the learned counsel for the petitioner that the victim has not even remotely suggested that her modesty in any manner was outraged or after regaining consciousness she had any uncomfortable feeling. It is further submitted by the learned counsel that the Doctor has assessed the age of the victim in between 18-19 years.

Considering the fact that the petitioner is in custody since 30.07.2021, is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to 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 Court below where the case is pending in connection with Gaya Civil Lines P.S. Case No. 298 of 2021.

(Satyavrat Verma, J)

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