

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68312 of 2021

Arising Out of PS. Case No.-365 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Md. Ashfaque Son of Late Gulam Mustafa Resident of Village- Suratpur, P.S.- Samastipur Muffasil, District- Samastipur.
 2. Gulam Murtuja Son of Md. Yusuf Kadiri Resident of Village- Suratpur, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-02-2022 In compliance of the order dated 10.02.2022, the District Magistrate, Samastipur and the Jail Superintendent, Samastipur are present and they have made their stand clear. The District Magistrate, Samastipur submitted that he joined recently in January, 2022 and as such was not aware of the facts of the case and the Jail Superintendent, Samastipur submitted that though she has joined in the year 2019 but at the relevant point of time, she was in personal difficulty and was even bedridden as a result of which, there was some delay.

The Court accepts what the District Magistrate, Samastipur and the Jail Superintendent, Samastipur have submitted. Their personal appearance thus is dispensed with.



Heard learned counsel for the petitioners and Mr. Mohammed Arif, learned A.P.P. for the State through virtual court proceedings. No one appears on behalf of the informant.

The petitioners seek bail in connection with Muffasil P.S. Case No. 365 of 2021 instituted for the offences under Sections 363, 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 05.09.2021 and are persons with clean antecedent.

Learned counsel for the petitioners submits that the informant alleges that his daughter aged about 17 years was kidnapped by the petitioners and named accused persons on 03.09.2021 for the purpose of marrying and then to sell her, further that this might be a case of love jihad and when the informant went to the house of the accused persons, he was assaulted by iron rod and *lathi* and further alleges that Md. Sarfaraz had kidnapped his daughter.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case, the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. wherein she had disclosed her age as eighteen years and did not even remotely supported the prosecution case.



It is further submitted that the police submitted final form dated 29.09.2021 in favour of the petitioner but till filing of the case, the learned court below had neither differed nor taken cognizance of the offence.

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

Considering the fact that the petitioners are in custody since 05.09.2021, petitioners are persons with clean antecedent, final form in favour of the petitioners has been submitted and the victim has not supported the prosecution case in her statement under Section 164 of the Cr.P.C., the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 2nd, Samastipur in connection with Muffasil P.S. Case No. 365 of 2021.

(Satyavrat Verma, J)

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