

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70735 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- HASANGANJ District- Katihar

MD. NISHAR @ RAJ @ SURAJ S/o Shekh Mustak R/o Village - Dilarpur
(Bariyarpur), P.S. - Manihari, District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 01.02.2021, his daughter had gone to get some articles from a shop and when she did not return, a search was made and thereafter he came to know that petitioner and co-accused Abdul Razzak has abducted her as petitioner used to visit her house and since he did not had good intention as such he was asked not to come.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the FIR, it would manifest that petitioner was known to the family of the informant, further the victim is a major and was in love with this petitioner and as such in order to falsely implicate him, the present false case came to be instituted. Learned counsel next submits that as per FIR the date of occurrence is 01.02.2021 and from perusal of the statement of the victim recorded under Section 164 Cr.P.C. on 04.02.2021, it would manifest that she discloses that the date of occurrence is 01.01.2021. Learned counsel next submits that even from perusal of her statement under Section 164 Cr.P.C. it would manifest that the same was even under parental pressure as she does not allege that petitioner committed any act to her detriment except that she was given tea and she became unconscious and when opened her eyes she was in Katihar from where she ran away.

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, 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. 5,000/- (Rupees Five Thousand) each 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 Hasanganj P.S. Case No. 05 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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