

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6848 of 2022

Arising Out of PS. Case No.-98 Year-2019 Thana- BALIGAON District- Vaishali

MD. ASGAR Son of Md. Manjur @ Manjur Miya Resident of Village-
Sutanpur Chak Harihar, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Baligaon PS case no. 98 of 2019 instituted for the offences
punishable under Sections 363, 366/34 of the Indian Penal
Code.

The allegation is regarding the accused persons
including the petitioner herein having kidnapped the victim lady,
whereafter they had taken her to Delhi and had subsequently,
left her at Tajpur railway station.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the
present case, he is having a clean antecedent and is languishing
in custody since 31.12.2021. It is further submitted that there is



no material on record to show any motive of the petitioner herein for kidnapping the victim lady and her children, however, the fact remains that the victim, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has not disclosed about any untoward incident to have been committed by the accused persons with her and has merely stated that she was taken to Delhi along with her children, whereafter she was left at Tajpur railway station, from where, she came back to her home. It is also submitted that in case, the victim lady was taken to Delhi, there was no reason for her not to have raised an alarm and got herself freed from the clutches of the accused persons, hence it appears that the entire incident had been fabricated.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record as also have perused the case diary, apart from having gone through the statement made by the victim lady under Section 164 Cr.P.C., before the learned Magistrate, from which, it is apparent that the petitioner along with her children was taken to Delhi by the accused persons and thereafter, she was left at Tajpur railway station, however, no untoward incident is alleged to have been committed by the



accused persons. This Court also finds that there is no use of force by the accused persons and the victim lady has also not alleged that either the accused persons had assaulted her or misbehaved with her, hence, the incident in question might be consensual in nature. It also transpires from the records that *prima facie*, the allegations levelled by the informant appears to be not correct, as such, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Vaishali at Hajipur in connection with Baligaon PS case no. 98 of 2019.

(Mohit Kumar Shah, J)

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