

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17107 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- EKANGARSARAI District- Nalanda

MD. SHAMSH S/O MD. SHAMIM Resident of village- Alamganj
Loharghat, P.S.- Alamganj, District- Patna. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Ekangarsarai P.S. Case No 02 of 2022 for the offence under Sections 363, 365, 366(A) and 34 of the I.P.C. lodged on 03.01.2022 by the informant Anil Kumar Singh.

The prosecution story, in brief, is that the informant Anil Kumar Singh alleged that on 31.12.2021, his daughter namely Raveena Kumari was missing from the house. The informant searched his daughter but she could not be traced. One month ago, the informant had brought his daughter Raveena Kumari from the house of the petitioner Md. Shamsh. The informant went to the house of the petitioner, inquired with family of Md. Shams, but no fruitful reply was forthcoming. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that contrary to the allegation made in the F.I.R. that



the date of birth of the victim girl is 2005, according to Adhar Card which is part of the petition shows that the date of birth is 2002 and as such she was major at the time of occurrence and she has left her parents home on her own.

Learned counsel for the petitioner with reference to para-10 of the petition submits that even the victim girl has made allegation by way of complaint petition against her parents.

Learned APP opposes the prayer.

Taking into account the aforesaid fact that the victim girl on the date of occurrence was major and free to take any decision, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Hilsa, in connection with Ekangarsarai P.S. Case No 02 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

U		T	
---	--	---	--

