

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15557 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- NARPATGANJ District- Araria

MD. ISMAIL @ ISMAIL KHAN @ ISMAIL S/o Md. Ghukur, R/o Village-
Pathraha, Ward no. 05, P.S.- Narpatganj, (Ghurna O.P.), Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 323, 366, 504, 376/34 of the IPC.

Allegation against the petitioner is that he on the pretext
of marriage kidnapped the complainant and established illicit
physical relationship with her for 10 days and took Rs.53,000/-
and gold jewellery from her.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken
place. It is submitted that statement of the victim was recorded
u/s 164 Cr.P.C., in which, she has not stated that petitioner has



sexually harassed the victim. It is further submitted that the victim got married with another person and when she came to her matrimonial house, she was carrying pregnancy, due to which her husband gave divorce to her. It is submitted that the informant is a major girl of 19 years and there is no specific overt act against the petitioner to kidnap and of committing rape upon the victim, which is also clear from the statement of the victim u/s 164 Cr.P.C.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the statement of the victim u/s 164 Cr.P.C., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Narpatganj P.S. Case No.189/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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