

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28544 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- PHULPARAS District- Madhubani

MD INAMUL @ MOHAMMAD INAMUL HAK S/o Md. Yakub Resident of
Village- Siswa Barahi Chatratol, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 365 and 366A of the Indian Penal Code to which sections 376, 420 and 34 of the Indian Penal Code and sections 4 and 6 of the POCSO Act were added subsequently.

As per the prosecution case, it is stated by the informant that his minor daughter was taken away for the purpose of marriage on the pretext of going to the doctor.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. Referring to the statement of the



alleged victim under section 164 Cr.P.C. (Annexure-3), it is submitted that describing herself to be 19 years old, the daughter of the informant states that she went out of her own volition and married the petitioner. She has not supported the prosecution case. The petitioner is in custody since 14.2.2022 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation specially the contents of the statement of the daughter of the informant under section 164 Cr.P.C. together with the petitioner having remained in custody for 11 months since 14.2.2022 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Phulparas P.S. Case no.134 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Jhanjharpur, District Madhubani.

(Partha Sarthy, J)

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