

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34063 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- JOKIHAT District- Araria

Md. Faruk @ Faruk Khalifa S/O Md Matin @ Matin Khalifa @ Matin R/O
Village-Dhangama, Harichandrapur, P.S.-Jalalgarh, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jokihat
(Mahalgaon) P.S. Case No. 395 of 2022 registered for the
offence under Section 363, 366-A, 368 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.07.2022.

The allegation against this petitioner is to kidnap the
minor daughter of informant, aged about 14 years for the
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner implicated with present case, as his love affairs with victim was not accepted by her family members including informant. It is submitted that victim after recovery, while recording her statement under Section 164 of the Cr.P.C. totally denied the factum of kidnapping and sexual assault, rather she stated that she went on her own with petitioner and live together as wife and husband. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as victim negated the allegations of kidnapping and sexual assault, while recording her statement under Section 164 of the Cr.P.C. against this petitioner, coupled with the fact that charge-sheet has already submitted, accordingly the petitioner, above named, is directed to be released on bail in connection with Jokihat (Mahalgaon) P.S. Case No. 395 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate Araria/concerned Court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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