

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37889 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- BIRPUR District- Supaul

MD. SHAUKAT @ SHAUKAT AALI Son of Abdul Rahman Resident of
Village - Mal Kusharhar, Ghoraghat, Ward No.- 05, P.S.- Balua Bazar, District
- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Birpur P.S. Case No. 01 of 2023 registered for the offences punishable under Sections 363, 364/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on 17.12.2012 at 1:00 P.M. his sister had gone to Chilmiliya to meet her sister but she did not return back home, thereafter he searched his sister but she was not found. He further alleged that on 15.12.2012, petitioner had come to his house and tried to pacify the dispute between the victim and her husband.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that this case has been lodged after 14 days of the alleged occurrence. This petitioner is known to the victim lady and he had come to her house where she had served him food and two days thereafter she left her house saying that she was going to village Chilmiliya.

5. Ms. Asha Devi, learned A.P.P. for the State has, after going through the case diary, submitted that there is no material against the petitioner to substantiate the allegation against him in the F.I.R.

6. Having regard to the facts and circumstances of the case from which it appears that the victim lady was having a matrimonial dispute with her husband namely, Abdul Wase and she had lodged a case against him, this petitioner is known to the victim lady and he had come to her house where she had served him food and two days thereafter she left her house saying that she was going to village Chilmiliya, there being no allegation that this petitioner had abducted her and later on the victim lady has stated that she had gone with this petitioner to her husband's place and they had been living together for about four months, learned A.P.P. for the State informed that there is



no material against the petitioner to substantiate the allegation against the petitioner in the F.I.R., petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Birpur, Supaul in connection with Birpur P.S. Case No. 01 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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