

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40501 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Md. Sartaz @ Rehan Son Of Mohammad Jainuddin Ansari@ Md Jainuddin
Resident Of Village - Majhauilya Uttri Tola, Ps- Paroo, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard Mr. Prince Kumar Mishra, learned counsel for

the petitioner and the Mr. Bharat Bhushan, learned APP for the

State.

The petitioner is in custody since 14.2.2023 in
connection with K. Hat P.S. Case No. 172 of 2023 for the
offence punishable under Sections 363, 365 of the I.P.C. lodged
on 11.2.2023 by the informant Saurabh Kumar Yadav.

The prosecution story, in brief, is that the informant
has alleged that his sister is a student of B.A. Part-2 in Mahila
College. On 11.02.2023, he dropped her at the said college for
collecting mark sheet of first year and left for Maranga for some
work.

He further alleged that at around 12 20 PM, he
received a call from his father that his sister called him and



informed that phone of informant is not reachable and her college work is over. Thereafter, he tried to call several time but phone was switched off. Thereafter, he suspected that his sister has been abducted by the unknown persons.

It has been submitted by the learned counsel for the petitioner that subsequently the lady who is 22 years old returned and made statement under section 164 of the Cr.P.C. narrating that on 11.2.2023 they left on their own firstly to Katihar and thereafter Malda and finally to Patna. They reached Patna on 12.2.2023 stayed in a hotel and the next morning called her brother and thereafter returned.

It is his further submission that she was medically examined and the doctor did not find any sign of sexual assault on the victim girl and her age was assessed as 22 years.

The last submission is that he has remained in custody since 14.2.2023 (as stated in para-16 of the bail petition).

Learned APP opposes the prayer stating that allegation of abduction is against him.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the categorical statement made in para-10 relating to the statement of the victim lady under section 164 of the Cr.P.C., as narrated above, is in



custody since 14.2.2023 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with K. Hat P.S. Case No. 172 of 2023 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 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 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;

(iv) 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 bail application is
allowed.

(Rajiv Roy, J)

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