

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38718 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- BENIPATTI District- Madhubani

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SAMSAD KHAN @ SAMSED S/o Kamlu Khan @ Kamlo R/o village-
Hasim Vanda, P.S.- Vinda Kheri, Distt.- Lakhimpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Adv.
For the State	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Harun Quareshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code.

As per the prosecution case, the informant states that his 14 year old minor daughter disappeared. After enquiry, he suspects that the five named accused persons including the petitioner herein have kidnapped her for the purpose of marriage.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. wherein she has not



supported the prosecution case. With respect to the age of the informant's daughter, learned counsel for the petitioner submits that in the medical examination she has been assessed to be between 17-18 years. The petitioner is in custody since 13.9.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R., there is direct allegation against him which is supported from the contents of the material that has transpired in course of investigation and the victim has been found to be a minor.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the estimation of the age of the victim by the Medical Board to be between 17-18 years, there being no medical evidence of sexual assault and specially the contents of the statement of the victim under section 164 Cr.P.C. wherein she categorically states that she went on her own for reasons given in the statement and that a false case has been lodged, the Court directs the petitioner to be enlarged on bail in connection with Benipatti P.S. Case no.193



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. 1st Class, Benipatti, District Madhubani on the following conditions:

(i) the petitioner shall remain properly represented on each date of the trial and shall cooperate in the trial.

In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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