

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39325 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MD. EJAJ Son of Md. Ijhar Resident of village - Jagarnathpur Nagwa, P.S. -
Paroo, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Shahi, Sr. Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Yugal Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-08-2023 Heard Mr. Pushkar Narayan Shahi, learned Senior Counsel for the petitioner and Mr. Yugal Kishore, learned Counsel for the informant as also Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is an accused in connection with Town Muzaffarpur P.S. Case No. 140 of 2023 registered for the offences under sections 363, 366(A), 370 and 34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act lodged on 22.02.2023 by the informant, Chanchala Devi.

3. As per the prosecution story, the informant alleged that the victim girl was picked up by the accused persons and as this petitioner was taking her to a different destination through air route and reached Patna Airport, the security guard having



gone through their respective identity cards, had some suspicion, they were detained, subsequently taken to the Airport Police Station. The girl's parents were informed, they came and took her away.

4. This occurrence took place on 21.02.2023 at Patna Airport. Subsequently, after returning to Muzaffarpur, the Muzaffarpur P.S. Case No. 140 of 2023 was lodged on 22.02.2023 by the informant, the mother against the petitioner and other unknown accused persons alleging kidnapping as also that they intend to take her to any foreign country for illegal purposes.

5. Learned Senior Counsel for the petitioner submits that it is improbable that an accused will kidnap and take the Airport route to leave the capital city. His further submission is that another allegation is of taking her to a foreign country but it is not the case of the informant that she was having any valid passport enabling the petitioner to take her to any foreign country.

6. In this case, a case diary was called for by an earlier bench on 31.07.2023, which has since been received.

7. Learned Senior Counsel has taken this Court to paragraph 44 of the said case diary in which the police has



recorded that the girl from her mobile no. XXXXX11987 had called the accused person on 19.02.2023, on XXXXX50676 as also on 20.02.2023.

8. It is his submission that the boy is young person of 22 years, though he concedes that he has criminal antecedent, they were in relationship and only because the police detained upon suspicion then, the FIR after a day.

9. Learned Counsel for the informant on the other hand, submits that under pre-planned conspiracy, the girl was picked up by the accused persons and they were taking the victim girl outside the country for oblique reasons. He as such, opposes the prayer.

10. Learned APP echoes the submissions put forward by the learned Counsel for the informant though he concedes that the police has recorded telephonic conversation between the accused-petitioner and the victim girl.

11. Considering the aforesaid submissions put forward by the learned Senior Counsel as also learned Counsel for the informant and the State, the materials on record, the accused was picked up on 21.02.2023 whereas the FIR was lodged subsequently on 22.02.2023 at Muzaffarpur, there is telephonic conversation between the two as is evident from paragraph 44 of



the case diary, he is in custody since 23.02.2023 (as stated in paragraph 16 of the bail application), is 22 years of age, FIR lodged and will ultimately face the trial, this Court is inclined to extend him privilege of bail.

12. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with G.R. No. 50 of 2023 arising out of Town Muzaffarpur P.S. Case No. 140 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 his 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 the bail bonds.

13. With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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