

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42904 of 2023**

Arising Out of PS. Case No.-244 Year-2023 Thana- TURKAULIYA District- East  
Champaran

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Shamsuddin @ Munna Mian S/o Jokhu Mian R/o Village- Turkaulia Bazar,  
Ps. Turkaulia, Dist. East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumari Chandna

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

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

2. The petitioner seeks bail in connection with  
Turkaulia P.S. Case No. 244 of 2023, registered for the offences  
punishable under Sections 366 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is  
that on 13.02.2023 at about 3:00 pm, daughter of the  
informant/Khushi Kumari is said to have been kidnapped by the  
accused persons including the petitioner with intention to  
convert her to his religion while she was going to the house of  
her neighbour.

4. Ld. counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that the alleged victim is major as per



case-diary as she was born on 01.01.2004 and even as per the age stated by the alleged victim before the Ld. Magistrate, she was 19 years of age. He also refers to the statement of the alleged victim as recorded under section 164 Cr.P.C, before the Ld. Magistrate in which she has clearly stated that she was in love with the co-accused Kaish Mian. However, after knowing this love affairs between the two, her parents started opposing and hence, she fled away from her home and married the co-accused Md. Kaish Mian.

5. He further submits that the petitioner has been languishing in jail since 25.03.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of Ld. Judicial Magistrate 1<sup>st</sup> Class, Motihari in connection with Turkaulia P.S. Case No. 244 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

10. Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

chandan/-

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