

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40882 of 2023

Arising Out of PS. Case No.-45 Year-2018 Thana- MANIHARI District- Katihar

MD. NURUL @ NOORUL ISLAM son of Md. Jaidur Khan @ md. Jaidur Rahman Village- Manoharpur Ps- manihari Dist- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 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 Manihari P.S. Case No.- 45 of 2018 registered for the offences punishable under Section 366 of the Indian Penal Code. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant alleged that his married daughter was living with him and he found his daughter missing from the house on 26.02.2018 and her mobile phone was found switched off. The informant alleged that he came to know that this petitioner abducted her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the victim girl in her statement under



Section 164 Cr.P.C. stated that she had herself fled away from her house with this petitioner and then both of them had gone to Mumbai. The police has submitted final form exonerating the petitioner from accusation but the learned Magistrate has summoned the petitioner differing with the police report

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the statement of the victim girl under Section 164 Cr.P.C. that she had herself fled away from her house with this petitioner and then both of them had gone to Mumbai, the victim girl is aged about 21 years and police has submitted final form and the petitioner was not sent up for trial but the learned Magistrate has summoned the petitioner differing with the police report, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Manihari P.S. Case No.- 45 of 2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Katihar, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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