

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41936 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- SIKTI District- Araria

MD. SHAHNAWAJ ALAM @ MD. SHAHBAZ ALAM SON OF MD.
JAINULIYA @ MOHAMMAD JAINUL UDDIN RESIDENT OF
VILLAGE-DHOPRI, WARD NO. 03, PS- PALASI, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 363 and 366(A) of the
Indian Penal Code.

3. The allegation against the petitioner along with
another is of abducting the daughter of the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. The victim girl has recovered and her
statement recorded u/s 164 of the Cr.P.C. as well as 161 of the
Cr.P.C. According to the statement recorded u/s 161 of the
Cr.P.C., she stated that she fell in love with this petitioner and
went with this petitioner and he kept her in a room and made



physical relation with her but according to her statement recorded u/s 164 of the Cr.P.C., she stated that the petitioner did drama of love and committed rape upon her two-four times. This fact shows that, the victim went with the petitioner own her sweet-will. From the perusal of the Medical report, victim is aged about 17 to 19 years at the age of maturity and both parties belongs to same religion. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 20.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Sikti P.S. Case No. 129 of 2022.

(Sunil Kumar Panwar, J)

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