

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42841 of 2023

Arising Out of PS. Case No.-90 Year-2018 Thana- SONBERSA District- Sitamarhi

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IZAHAR SAH S/O HUSSAINI SHAH R/O Village- Fatahpur, P.S- Sonbarsa,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sonbarsa P.S. Case No. 90 of 2018 registered for the
offences punishable under Sections 362, 366 and 379 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that his married daughter had come to her parental home
on 26.04.2018 but went missing and on inquiry, he came to
know that she was seen going with the petitioner, it is next
alleged that it was also found that ornaments, clothes and cash
Rs.15,000/- were missing from the house, thereafter he received
a call on his mobile from mobile no. 8373994477 on 10.05.2018



from Izahar (petitioner) informing that his daughter is safe.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the date of occurrence is 26.04.2018 and the FIR came to be instituted after a delay of more than sixteen days on 12.05.2018 without any plausible explanation, it is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that the informant has alleged that clothes, cash and ornaments were found missing from the house which amply demonstrates that the victim, who is a major, had fled with the petitioner on her own volition. Learned counsel submits that victim has come back and her statement was recorded under Section 164 CrP.C. wherein she has alleged against the petitioner of committing sexual assault but then at the end she also stated that she intends to go with the petitioner, this amply demonstrates that the victim and the petitioner were in love and when she returned, under parental pressure and the fact that she was married, she was forced to get the statement recorded in the manner as recorded under Section 164 Cr.P.C. but still the victim in order to help the petitioner in her last sentence stated that she wants to go with the petitioner.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sonbarsa P.S. Case No. 90 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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