

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50903 of 2022

Arising Out of PS. Case No.-51 Year-2018 Thana- JOKIHAT District- Araria

CHUNNA @ CHUNNU @ INTEKHAB Son of Sarwar Alam @ Sarwar
Resident of Village - Baluwa, Ward no.01, P.s.- Jokihat (Mahalgaon), Distt.-
Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Jokihat (Mahalgaon) PS. Case No.51 of 2018 instituted
under Sections 363,364,376-D, 302, 201/34 of the IPC.

As per the prosecution story, the informant alleged
that Awed, Nawed and Md. Rahil came to her house and took
away her daughter for marriage. Later she came to know that
her dead body has come to Sadar Hospital Araria. Accordingly,
she went to the hospital identified the body and the FIR was
lodged.

Learned counsel for the petitioner submits that he is
not named in the FIR. Three people came to the informant's and
house took away her daughter who subsequently died in



mysterious circumstance. Further, Md. Rahil subsequently during his confessional statement named him as one of the accompish.

The police had investigated the matter and had submitted final form in which so far as the petitioner is concerned, the same was found to be false. However, in 2021, cognizance was taken against him necessitating this petition. The last submission is that he has clean antecedent.

Learned APP on the other hand submits that it is allegation of kidnapping and subsequent death of the informant's daughter and as per the charge-sheet gang rape clause has also been incorporated and as such he opposes the bail.

Considering the fact that the allegation is against three named accuseds who took away the informant's daughter, the petitioner was not named in the FIR and after the confessional statement of Md. Rahil, the police investigated the matter and file final form submitted so far as he is concerned, this Court is inclined to grant him relief in the background of the fact that he has clean antecedent.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Jokihat (Mahalgaon) PS. Case No.51 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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