

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62553 of 2023

Arising Out of PS. Case No.-365 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. SARFARAJ S/O LATE GULAM MUSTAFA R/O VILLAGE-
SURATPUR, P.S- MUFFASIL SAMASTIPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, A.P.P.
For the Informant	:	Mr. S. A. Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 363, 366A/34 of the
Indian Penal Code.

3. As per the prosecution case, it is alleged that minor
daughter of the informant was kidnapped by the petitioner and
other co-accused persons on 03.09.2021 for the purpose of
marriage or for some unlawful purpose. Informant suspects that
it might be a case of love Jihad. When the informant went to the
house of accused persons to inquire about his daughter, the
accused persons assaulted him with iron rod and *lathi*.

4. It is submitted that petitioner has been falsely
implicated in this case. The victim girl in her statement under



Section 164 Cr.P.C has not supported the prosecution case and has not alleged any wrong against the petitioner. Moreover, similarly situated co-accused have been granted bail by a coordinate bench of this Court *vide* order dated 04.08.2023 passed in Cr. Misc. No. 46959 of 2023. Petitioner claims clean antecedents.

5. Learned counsel for the informant vehemently opposes the bail application.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, 2nd, Samastipur in connection with Muffasil P. S. Case No. 365 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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