

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58726 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- BIRPUR District- Supaul

1. NAVID ANSARI @ NAAVID ANSARI Son of Nasim Ansari Resident of Village - Basmatiya, Ward No.- 5, P.S.- Basmatiya, District - Araria.
2. Amzad Alam Son of Asraf Ali Resident of Village - Basmatiya, Ward No.- 5, P.S.- Basmatiya, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Ram Naresh Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Birpur (Bheem Nagar) P.S. Case No. 234 of 2022 for the offence registered under Sections 365, 366A, 370, 370A, 511, 120B and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein, having taken the victim girl towards Nepal forcibly, however, on the border the car was intercepted by the S.S.B. force and then it transpired that although the petitioners and other persons were taking one Vibha Devi to a doctor at Birpur for conducting ultrasound test, however in-between



they had changed the route and were forcibly taking the victim girl to Nepal. The victim girl has stated in her statement made under Section 164 Cr.P.C. before the learned Magistrate that she was under the belief that the car was going towards Birpur but the accused persons had on the way, without her consent and knowledge, changed the route and while they were taking her towards Nepal, the S.S.B. force had intercepted and saved her from being kidnapped.

The learned counsel for the petitioners have submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 20.07.2022. The learned counsel for the petitioners has further submitted that a bare perusal of the medical report annexed as Annexure-2 would show that the age of the victim girl has been assessed in between 18-20 years and, moreover, it has not been denied that Vibha Devi was being taken for treatment, hence, the petitioners are not having any complicity in the matter.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the facts noted by the learned Court below in the impugned order 15.09.2022, though I am not inclined to grant bail to the petitioners at the moment, however, I direct for release of petitioners on bail, immediately, upon framing of charge by the learned court below subject to such conditions, as may be deemed fit and proper to be imposed by the learned court of A.C.J.M., Birpur (Supaul) in connection with Birpur (Bheemnagar) P.S. Case No. 234 of 2022.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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