

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62978 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- SINGHESHWAR District- Madhepura

MD. DAUD @ DAUD MIAN Son of Md. Hefazul @ Md. Hifazat R/v-
Jhitkiya, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Singheshwar P.S. Case No. 80 of 2022 dated 11.04.2022
registered for the offence(s) punishable under Section(s) 363,
366, 506/34 of the Indian Penal Code.

As per the prosecution, the informant's daughter-in-
law was abducted by this petitioner with the help of other
accused persons with malice intention. Further, it is alleged that
wife of the petitioner threatened the informant of dire
consequences if she complains about the said abduction.

The main submissions advanced by the learned
counsel for the petitioner are that as per the FIR the victim who
happens to be daughter-in-law of the informant was 23 years old



when the alleged occurrence took place and she was married also and during investigation the victim was recovered and she recorded her statement before the Judicial Magistrate in which she revealed atrocities committed by her husband with her and the same to be the cause of her leaving her husband's home, though she alleged in the said statement that on the way the petitioner met her and enticed her to go with him and later on she was locked in a house at Araria where she was kept for one month and she further revealed in the said statement that on 05.05.2022 she escaped and went to Madhepura and the said fact is completely contradictory to the factum of the place of recovery of the victim as the victim was recovered from the house of grandfather of the petitioner situated at Jhitkiya village which is at about 1 km. distance from the victim's father-in-law's house. Further submission is that when the victim revealed that she managed to escape from the clutch of the accused at Araria then what was the need for her to go to the house of petitioner's grandfather from where she was recovered and the said fact, in itself, clearly shows that she made false statement before the Judicial Magistrate. Further submission is that in fact the victim was in love with this petitioner and the said fact was accepted by material witnesses during investigation and after the



institution of the FIR, she married with the petitioner on 12.04.2022 and in this regard, they sworn an affidavit. Further submission is that the victim was medically examined and any sign of forceful sexual assault on her was not found by the medical expert. Further submission is that petitioner has fair and clean antecedent and he has been languishing in jail since 06.05.2022.

Learned APP appearing for the State has opposed the bail prayer and submitted that there is serious allegation against the petitioner.

In view of the facts, as stated above, and mainly the contradiction between the facts revealed by the victim before the Judicial Magistrate in her statement and the factum of recovery of the victim as well as considering the statements of material witnesses as pointed out by the learned counsel for the petitioner which shows that there was some love affair between the petitioner and the victim and the victim stated before the Judicial Magistrate that she left her husband's house on account of her husband's atrocities, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Court concerned in connection
with Singheshwar P.S. Case No. 80 of 2022.

(Shailendra Singh, J)

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