

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8630 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- MANIHARI District- Katihar

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Shekh Gairul @ Sk. Gaurul S/O SHEKH SHABIR VILLAGE-
KUMARIPUR KALI ASTHAN, PS. MANIHARI, DIST. KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Manihari P.S. Case No. 182 of 2023 instituted for the offences
punishable under Sections 363 and 366(A) of the Indian Penal
Code.

3. As per the prosecution case, informant's daughter
went outside for Kumripur but she did not return home. On
search, informant came to know that the petitioner with intent to
marry her daughter kidnapped her and kept in his house.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The F.I.R. has been lodged



after the delay of three months of the occurrence. The victim girl was recovered and her statement was recorded u/s 164 of Cr.P.C. wherein she has not raised any finger against the petitioner for any overt act. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner himself surrendered in the court below on 17.08.2023 and since then he is languishing in judicial custody.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 23.11.2023, case diary along with statement of victim recorded u/ 164 of the Cr.P.C., it appears that on the basis of written report of informant F.I.R. registered against three accused persons including the present petitioner. During investigation, victim was recovered and her statement was recorded u/s 164 of the Cr.P.C. wherein she has clearly stated that she has a love affair with the petitioner since last one year. She left her house out of her own sweet will and went with the petitioner to Delhi where they solemnized marriage in Madarsa and lived there as husband and wife. She has not stated about any sexual assault or physical misbehave against the petitioner.

7. Considering the facts and circumstances of the case



and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 182 of 2023.

(Ramesh Chand Malviya, J)

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