

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14546 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- PARBATTa District- Khagaria

Md. Amjad Khan, Son of Ikram Khan, Resident of Village- Nauranga, P.S.-
Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 302 of 2023, registered on 02.07.2023 for the offences under Sections 363 and 366(A)/34 of the Indian Penal Code.

3. As per prosecution case, petitioner enticed away the minor daughter of the informant and threatened the informant on phone.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. FIR has been registered after two days of the occurrence and no explanation is forthcoming. The registration card of



secondary examination of the daughter of the informant shows her date of birth to be 02.01.2001 and the medical board also opined that age of the daughter of the informant is 18-19 years. Therefore, the daughter of the informant was major on the date of occurrence. Statement of the victim girl was recorded under Section 164 Cr.P.C and she stated that she went with the petitioner out of her own will. The victim is a major and she fell in love and fled away with the petitioner. For this reason, there would be no application of Sections 363 and 366(A) of IPC in the present case. Petitioner is having criminal antecedent of one case in which he has been acquitted.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubt over age of the victim girl and her statement recorded under Section 164 Cr.P.C. and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of



learned SDJM, Khagaria/court concerned in connection with
Parbatta P.S. Case No. 302 of 2023, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the
petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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