

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16886 of 2024

Arising Out of PS. Case No.-396 Year-2023 Thana- MEHSI District- East Champaran

Md. Nasim S/o- Md. Jamir Village- Purani Mehshi Mogalpura Ps- Mehshi Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Rashmi Jha, Adv.
		Mr. Hemant Ray, Adv.
For the Opposite Party/s :		Mr.Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mehshi P.S. Case No. 396 of 2023 dated 14.12.2023 registered for the offences punishable u/ss 363, 366A and 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 12.12.2023 but the F.I.R. was lodged on 14.12.2023 and there is no explanation for this delay. It



is further submitted that there is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. It is further submitted that the petitioner has no concern with the alleged offence. Learned counsel has further submitted that it is not possible for the petitioner for taking the victim to Kanyakumari while the victim was senseless. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 24.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that on 12.12.2023, she went to fill up the form where the petitioner met her and put a handkerchief on her mouth due to which she became senseless. When she regained her conscious, she found herself in Kanyakumari. The victim also stated that she was kidnapped by the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Mehshi P.S. Case No. 396 of 2023 with the condition :-



(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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