

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16958 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- KHARHAGPUR District- Munger

Md. Sabud S/o Late Rahman R/o Mansoor Tola, Near Bari Durga Sthan, P.S. -
Kharagpur, Dist. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Kharagpur P.S. Case No. 162 of 2023, registered on 26.03.2023 for the offences under Sections 366(A) and 34 of the Indian Penal Code.

3. As per prosecution case, minor daughter of the informant went missing from her house and the co-accused Md. Sarfaraj also went missing from his house on the same date. The informant showed her suspicion that the petitioner who is father of Md. Sarfaraj along with his wife helped the co-accused in kidnapping the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been

falsely implicated in the present case only due to the fact that he is father of co-accused Md. Sarfaraj. Further petitioner is also brother-in-law of the informant and the son of the petitioner was in love with the daughter of the informant and they solemnized marriage under the provision of Muslim law. The daughter of the informant was in love with the son of the petitioner and the petitioner have no role in the alleged occurrence. The statement of the victim accordingly was recorded under Section 164 of Cr.P.C. and she accepted that she was in love with Md. Sarfaraj and they solemnized marriage in the *Masjid* of their village. The petitioner has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of serious nature against the petitioner and further considering the statement of the victim girl recorded under Section 164 of the Cr.P.C. wherein she has not made any allegation against the petitioner, let the petitioner, 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Munger/concerned court in connection with Kharagpur P.S. Case No. 162 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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