

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17670 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- SHIVSAGAR District- Rohtas

1. Arsalan Hussain @ Arsalan Haider son of Late Haider ali Village- Pakhnari Ps- Shivsaar Dist- Rohtas
2. Md. Ashhar @ Md. Ashahad @ Assu @ Md. Ashahar son of Saydujjama @ Shahid Jaman Village- Pakhnari Ps- Shivsaar Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-07-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 363 , 365 , 370(A) (I) and 34 of the Indian Penal Code .

3. As per the prosecution case , all the F.I.R., named accused persons including these petitioners kidnapped the minor daughter of the informant.

4. It is submitted on behalf of the petitioners that the petitioners are innocent and have committed no offence. As a matter of fact, there was a love affair between victim and co-accused *Shail Jaidee* and on 07.08.2023, they fled away from their house and returned on 09.08.2023. So far as these



petitioners are concerned, they have not indulged in the alleged occurrence. Both the petitioners are cousin brothers and co-villagers of the informant, and due to enmity between them, these petitioners have falsely been roped in this case. The victim, in her statement before police under Section 161 Cr. P. C, has categorically stated that she left her house on her own will and no one kidnapped her, and there is no allegation of sexual assault against these petitioners. Again, after lapse of some few days, the statement of the victim was recorded under Section 164 Cr. P.C., wherein she narrated entirely different version and only took the names of the accused persons, and nothing wrong stated against them. Petitioners claim clean antecedents.

5. Learned counsel for the State oppose the bail petition.

6 Considering the statement of the victim and other circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate , Rohtas at Sasaram in connection with Sheosagar P.S. Case No. 335 of



2023 , subject to the conditions laid down under section 438(2)
of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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