

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27514 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- MOUZA HIDPUR District- Bhagalpur

Md. Mahtab S/O Md. Nausad R/O Village- Noorpur Khanjarpur, P.S- Barari,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey (App84)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-11-2024 Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioner and the State.

2. In this case, notice was issued to the other side and though the name of the learned counsel for the informant appears, there is no representation.

3. The petitioner is in judicial custody in connection with Mojahidpur P.S. Case No. 23 of 2023 for the offences punishable under Sections 363, 366A/34 of the IPC, lodged on 16.01.2023 by the informant, Mohammad Shakil.

4. As per the prosecution story, the informant alleged that his minor daughter was missing since 08.01.2023 and they had apprehension of this petitioner having taken her away. When it was complained, the family members were abused/assaulted. Accordingly, the FIR.



5. Learned counsel for the petitioner submits that they were in relationship which is clear from the observation made by the learned Sessions Judge, according to which, the girl under Section 164 CrPC statement deposed that she was in love with Md. Mahtab for the last six-seven months and on the particular day, left for Delhi, solemnized marriage and living with him as husband and wife. Further submission is that the victim girl was examined and was found between 17 to 19 years of age.

6. As observed, there is no representation on behalf of the informant.

7. The petitioner is in custody since 03.08.2023 (para-14 of the petition), the order of learned Sessions Judge shows that the victim girl is between 17 to 19 years of age, has given statement that she has solemnized marriage, considering all the aforesaid facts as also his long period of custody, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, (POCSO)-cum-7th Additional Sessions Judge, Bhagalpur in connection with aforesaid P.S. Case subject



to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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