

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33170 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- BISFI District- Madhubani

Md. Murtuza Ali Son of Md. Ekram Resident of Village- Janipur, P.S- Bisfi,
Dist- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Ilias Son of Md. Maulavi Resident of Village- Janipur, P.S- Bisfi, Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Thakur, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bisfi
P.S. Case No. 269 of 2023 dated 04.11.2023 registered for the
offences punishable under Sections 363, 366(A) of the I.P.C.

3. As per the prosecution case, unknown miscreants
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. It is submitted that the petitioner is not named in the
F.I.R and the FIR is against unknown. There is no specific



allegation overt act against him. Learned counsel for the petitioner has next submitted that the occurrence is said to have taken place on 11.07.2023 while the FIR for the said occurrence has been lodged on 16.07.2023 having no cogent explanation for such a delay. It is also submitted that the victim, in her statement under Sections 161 CrPC, has stated that she had left her home out of her own volition on account of being scolded by her mother and she has not stated the name of the petitioner in her statement under Section 161 CrPC. Whereas in her statement under Section 164 CrPC, the victim has taken the name of the petitioner who took her from Kamtaul to Darbhanga and tried to establish physical relation with her. Learned counsel next submits that the petitioner is in custody since 28.11.2023 having no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner submitting that the petitioner is involved in kidnapping of a minor girl and he attempted to commit rape on the victim. Hence, he does not deserve privilege of bail.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner and also 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 Additional Chief Judicial Magistrate, Benipatti in connection with Bisfi P.S. Case No. 269 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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