

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82163 of 2024

Arising Out of PS. Case No.-225 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Md. Manzoor Alam son of Md. Islam Resident of Village- Bihra Basiya Ghat
ward No 15 PS- Bihar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 277/2022 arising out of Saharsa Sadar P.S. Case No. 225 of 2022 for the offence punishable under sections 363, 366A and 34 of the Indian Penal Code lodged on 19.03.2022 by the informant, Saudagar Sharma.

3. As per the prosecution story, the informant alleged that when his daughter failed to return, search was made and it came to notice that this petitioner has taken her away for the purpose of marriage which led to the FIR.

4. Learned counsel for the petitioner submits that both were in relationship, the girl went on her own, the Doctor has opined her age to be between seventeen to nineteen years and this petitioner has suffered by being in custody since 02.06.2022



(paragraph-4 of the petition).

5. Learned APP, Mr. Bharat Bhushan opposes the prayer for bail submitting that he has taken the victim girl and from the FIR it seems that she was a minor.

6. Considering the submissions put forwarded by the parties as also the submission made before this Court that the girl made a statement that she went on her own and the Doctor has opined her to be seventeen to nineteen years of age, coupled with the fact that the petitioner had remained in custody for more than two years, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. However, if it is found that the submissions regarding the statement of the victim girl as also the age ascertained by the Medical Board are incorrect, the present order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge, Saharsa, in connection with Sessions Trial No. 277/2022 arising out of Saharsa Sadar P.S. Case No. 225 of 2022 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her 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)

Adnan/-

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