

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83254 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- CHAKAND District- Gaya

Md. Zishan @ Md. Zishan Alam Son Of Late Anwar Shah Resident Of
Village - A Shadipur, P.S. - Chakand, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Veer, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under sections 363/366A of the Indian Penal
Code.

3. As per the prosecution case, petitioner abducted
minor daughter of the informant with intent to marry her.

4. Learned counsel appearing for the petitioner
submits that as and when the victim was recovered, police
recorded her statement under section 161 of the Cr.P.C. in which
she has stated that on 23.02.2022 at 11.00 am, she had gone to
Azad High School. Thereafter, she made call to the petitioner



Md. Zishan Shah and called him to Chakand Bazar. Then he took her to Raigah where she stayed for fifteen days. She has further stated that she is in love with the petitioner. Victim was medically examined in Prabhawati Hospital, Gaya on 12.03.2022 where the doctor has not found any sign of rape or recent sexual inter course on the victim and on the basis of pathological and Radiological report of A.N.M.M.C.H., Gaya, age of the victim has been assessed as above 19 years. Learned counsel has also referred victim's 164 Cr.P.C. statement recorded on 14.3.2022 in which she has stated that she had gone with the petitioner to Vishakhapattanam via Raigadha. She had not gone to Vishakhapattanam on her own volition, rather petitioner had enticed her and also frightened her that she would be killed by her parents if returned. She has further stated that the petitioner was her distant relative. However, she wants to live with her mother and not with the petitioner. Petitioner claims clean antecedent. Petitioner is in custody since 5.7.2023.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate



X, Gaya in Chakand Police Station Case No. 46 of 2022.

(Prabhat Kumar Singh, J)

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