

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68019 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Md. Azam @ Md. Aazam Son of Late Md. Gyasuddin Resident of -Adalpur,
P.S. Kusheshwar Ashtan, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Firoz, S/O- Late Zakir R/O- Adalpur, P.S.- Kusheshwar asthan, District-
Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Nafisu Zzoha, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar, APP
For the Informant	:	Mr. Manjeet Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner, State and the
informant.

2. The petitioner is apprehending arrest in connection
with Kusheshwar Asthan P.S. Case No. 352 of 2023
instituted under Sections 363, 366(A), 379, 504, 506/34 of the
Indian Penal Code lodged on 24.10.2023 by the informant,
Md. Feroz.

3. As per the prosecution story, the informant alleged
that his daughter went out to attend the nature's call but
disappeared. Later, came to knowledge that this petitioner has
taken her away with the help of family members. Upon
confronting, were abused and there is allegation of snatching of



certain amount also. This led to the FIR.

4. Subsequently, the victim girl returned and under 164 Cr.P.C. statement, she supported the prosecution story.

5. Mr. Nafisu Zzoha representing the petitioner brought on record an affidavit by the girl (which is part of the petition) to show that she gave the said statement under the pressure of her parents and further stated that she left the place on her own because of scolding by the parents.

6. In view of the aforesaid affidavit, This Court issued notice to the opposite party no.2 on 10.01.2025 who has since appeared.

7. Learned counsel for the informant submits that the victim girl is now happily married in another family and the affidavit attached by the petitioner is genuine.

8. If the second version of the girl is accepted, it is unfortunate that in the dispute between two individuals, the entire Police Machinery is used which results into lodging of the FIR, investigation takes place, this leads to the misuse of the precious time of the Courts and in that background, the time has come to take steps/action against such people who misuse it and lodges F.I.R. at the drop of the hat. If the law mandates that when any information comes which shows criminal angle, the



Police is duty bound to register the case, equally, it is important that at the later stage, the informant takes a U-turn, appropriate legal steps be also taken against him/her.

9. Having shown anguish, in view of the facts narrated above, the Court is inclined to extend him the privilege of anticipatory bail.

10. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Kusheshwar Asthan P.S. Case No. 352 of 2023 to the satisfaction of learned Judicial Magistrate 1st Class, Biraul at Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) 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;

(vi) 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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