

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85876 of 2024

Arising Out of PS. Case No.-262 Year-2024 Thana- PARBATTa District- Khagaria

Md. Alfaj S/O Md. Hasmat @ Feko R/o village- Barkatpur, P.O- Pipralatif,
P.S- Maraiya, Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the State : Mr. Khurshid Anwar, APP
For the Informant : Mr. Ranjeet Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioner and learned APP
for the State and learned counsel for the informant. Perused the
case diary.

2. The petitioner seeks bail in connection with
(Mariya) Parbatta P.S. Case No. 262 of 2024 instituted for the
offence under Section 366 of the Indian Penal Code.

3. Prosecution case in short is that, 17-year-old
daughter of the informant, went missing on 21-06-2024, while
shopping and was allegedly abducted by the petitioner for the
purpose of marriage. When he confronted petitioner's family,
they assured her return, but later threatened him and warned of
killing his daughter.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 31-07-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. From perusal of the FIR itself, it transpires that petitioner and daughter of the informant were in love affair. There is delay of three days in lodging of the FIR. Learned counsel submits that victim is major on the basis of muslim law as a person, who is sane and has attained the age of puberty is competent to marry. Even in the statement recorded under Section 164 of the Cr.P.C., there is no whisper of sexual intercourse against the petitioner. Victim has refused for her medical examination. Charge sheet is submitted.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there is no cogent material against the petitioner even in the statement of the victim, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with (Mariya) Parbatta P.S. Case No. 262 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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