

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88672 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- SURSAND District- Sitamarhi

Md. Phul Nadaf @ Ful Mohammad @ Md. Ful Nadaf S/O Md. Jalif Nadaf @
Md. Zalif Nadaf R/O Village- Parsa Ward No.-9, P.S- Sursand, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sursand P.S. Case No. 07 of 2023 dated 04.01.2023 registered for the offences punishable u/ss 363, 366A read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of two and a half months in lodging



the F.I.R. The petitioner is not named in the FIR. The name of the petitioner has sprung up during the course of the investigation. It is further submitted that the victim was not forced or seduced to have illicit relationship with another person. It is further submitted that the victim in her statement recorded u/s 161 of the Cr.P.C. has not stated anything against the petitioner. The petitioner has one criminal antecedent as stated in para 2 of the supplementary affidavit. The petitioner is in custody since 17.10.2024. Similarly situated co-accused has already been granted regular bail by this court vide order dated 26.07.2023 passed in Cr. Misc No. 44107 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting the victim in her statement recorded u/s164 of the Cr.P.C. has made specific allegation against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as 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 Court concerned, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 07 of 2023, with the following condition/s:-



(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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