

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23378 of 2013

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Tahsim Alam @ Tahsim, Son of Alli

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL ORDER

NO 3 24-12-2013

Heard Mr. Vijay Kumar, learned counsel for the petitioner and

Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor for the State, who is armed with carbon/xerox copy of the case diary.

The petitioner, who is apprehending his arrest in connection with a case registered for the offence punishable under Sections 147, 148, 149, 323, 364/34 of the Indian Penal Code, is one of the named accused in this case of abduction.

Submission is of false implication in retaliation of another case. In fact, the alleged victims were terror to the locality and wanted in several cases and just to create a screen present case has been instituted and subsequently the informant has left names of several persons including the petitioner, though, he earlier in further statement and statement recorded under section 164 of the Code of Criminal Procedure has tried to name. Taking into consideration all such aspects under almost similarly situated circumstances, one of the co-accused, namely, Nazeem, has already been granted the privilege by a Bench of this Court on 09th December, 2013 passed in Cr. Misc. No. 46848 of 2013. Further, as submitted, **the petitioner carries no criminal antecedent.**

If it is so, considering the facts and circumstances of the case, in the event of his arrest or surrender before the court below within four



weeks, let the petitioner abovenamed be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea, in connection with Rouda P.S. Case No. 06 of 2007 (G.R. No. 287/2007), subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure with additional condition to remain physically present before the court below on each and every date at least for two years or till disposal of the case, whichever is earlier and in case of failure on two consecutive dates without giving any reasonable explanation, the liberty granted shall be deemed to be cancelled.

(Akhilesh Chandra, J)

Praveen-II/-