

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27110 of 2015

Arising Out of PS.Case No. -363 Year- 2014 Thana -NANPUR District- SITAMARHI

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1. Abdul Samad son of Late Naibul Haque resident of Village Dadari, P.S. Nanpur, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 05-11-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Nanpur P.S. Case No. 363 of 2014 registered for the offences punishable under Sections 363, 364, 372/34 of the Indian Penal Code.

Allegedly the son of the informant was taken away by co-accused Md. Guddu with assistance of the petitioner on the pretext for providing him job in Jari factory in Mumbai in the month of August, 2011 and thereafter the son of the informant has not returned and the petitioner earlier gave an assurance of get him back within 15 days and again he took time for 5 days but did not return the son of the informant.

Submission is of false implication and that the husband



of the informant in his statement recorded in para-6 of the case diary has stated that co-accused Guddu took away the boy and for two years the boy was in contact telephonically but for last one year he is not in contact. The son of the informant is major one aged about 22 years as younger son of the informant namely, Meraj, aged about 20 years is residing in the village. The petitioner is an old man and suffering in custody since 16.03.2015, having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that son of the informant is still traceless and it was the petitioner who influenced the informant to allow his son to go.

In the facts and circumstances stated above, considering the chargesheet has already been submitted and further considering the detention of the petitioner and his age, the petitioner, above named, now is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Sitamarhi arising out of Nanpur P.S. Case No. 363 of 2014 subject to the conditions that one of the bailors must be near

relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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