

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25922 of 2015

Arising Out of PS.Case No. -14 Year- 2010 Thana -HAYAGHAT District- DARBHANGA

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Md. Chintu @ Sameer Alam, son of Md. Fazle Alarm, resident of village-Bilaspur, P.S. Hayaghat, District-Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 07-10-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hayaghat P.S. Case No.14 of 2010 registered under Sections 363, 365 and 366(A) of the Indian Penal Code.

The allegation of the informant, Arjun Raut, is that on 02.02.2010 in the evening his daughter, Sapna Kumari, had gone Hayaghat Market but she did not return and on search being made for her, no trace of her was found. Thereafter, the informant came to know that Md. Mujahid alongwith this petitioner and some unknown have kidnapped his daughter for the purpose of performing marriage and they had also talked on mobile phone with Babulu Baitha, the neighbour of the informant. As such, the

informant raised suspicion that his daughter has been kidnapped by them.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner has been made accused in this case on mere suspicion and except suspicion, there is nothing in the case diary to show the involvement of the petitioner in the commission of the alleged offence. It is also submitted that the co-accused, Md. Mujahid has already been acquitted in the case vide Judgment and Order dated 15.11.2011 passed in Sessions Trial No.443 of 2010 by the court of Additional Sessions Judge, Fast Track Court-I, Darbhanga. In fact, on the date of occurrence, the petitioner was not at his house rather he was out of State to earn his livelihood and when he came to his house, he came to know about the present case and he was arrested by the police on 20.02.2015 and since then he is in jail custody.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Amit Kumar, Judicial Magistrate, First Class, Darbhanga, in connection with Hayaghat P.S. Case No.14 of 2010.

Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he is related with the petitioner.

(Rajendra Kumar Mishra, J)

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