

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47282 of 2015

Arising Out of PS.Case No. -183 Year- 2015 Thana -THAKURGANJ District- KISANGANJ

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1. Md. Zamil @ Zamil, Son of Md. Saphiyo, resident of Village- Dugdhu Bhitha, Police Station- Powakhali in the district of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Thakurganj (Powakhali) P.S. Case No. 183 of 2015 for the offences punishable under Sections 366(A)/511, 354(A), 379/34 of the Indian Penal Code.

Allegedly, the petitioner used to visit the house of the informant and developed intimacy with Rupshi Begum, the minor daughter of the informant, and after giving assurance to marry with her, took away her with ornaments and cash of Rs. 10,000/-. Further the petitioner left her at Kisanganj Court and went away with ornaments and cash.

Submission is of false implication and that F.I.R. has



been lodged on false and frivolous allegation. The occurrence is of 27.05.2015 whereas the application has been filed on 04.06.2015 before the S.P., Kishanganj, the daughter of the informant was not kidnapped by the petitioner or anyone nor she has been recovered from the possession of the petitioner. The victim went herself to Kishanganj Court to marry with the petitioner and on the same day she returned to her house with the co-accused Md. Afaque. There is contradiction in the written application with statement recorded under Section 164 of Cr.P.C., no offences under sections 366(A) and 511 of the IPC is made out and allegation against section 379 of Indian Penal Code is ornamental whereas section 354(A) is bailable in nature and petitioner is suffering in custody since 30.07.2015. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that now lenient view can be taken.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Kishanganj arising out of Thakurganj (Powakhali) P.S. Case No. 183 of 2015 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 reasons shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Rajiv/-

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