

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42878 of 2015

Arising out of PS.Case No. -205 Year- 2014 Thana -JHANJHARPUR District- MADHUBANI

Md. Zilani, Son of Md. Ashiq, resident of Village - Piprolia, P.S. - Jhanjharpur, District - Madhubani.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioner : Mr. Nasim Nazar, Advocate.

For the Opposite Party : Mr. Awadhesh Kr. Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3      09-11-2015      Heard learned counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 11.06.2015 in connection with Jhanjharpur (Araria Sangram O.P.) P.S. Case No. 205 of 2014 for the offences instituted under Sections 323, 341, 342, 363, 366(A) and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 23.10.2014, the informant's daughter, namely, Rizawana Khatoon, aged about 12 years, had gone to purchase the eggs from market but she did not return for a long time then the informant proceeded for her search. During search, one Jalebi Chaupal told him that her daughter had been forcibly carried by accused persons by one Bolero Vehicle and after that the vehicle proceeded towards west side. The



informant searched her daughter for a long time but she did not find then she apprehended that she might have been kidnapped with ulterior motive or she might have been murdered. After that the complainant given the information to the police but the police did not take any action. Thereafter, the complainant filed a C.R. Case No. 953/2014 against six accused persons including the petitioner. On the basis of above C.R., the police has lodged as Jhanjharpur (A.S.) P.S. Case No. 205/2014 under Sections 341, 323, 342, 363, 366(A) and 120(B)/34 of the IPC.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The alleged occurrence is said to have taken place on 23.10.2014 and a complaint case was filed in the court below on 05.11.2014. The delay in filing the complaint case has not been explained by the prosecution. Other co-accused is said to have filed a case bearing Jhanjharpur P.S. Case No. 79/2013 prior to institution of the present case and the present case has been instituted in retaliation to Annexure-4 to the present application.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the

complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jhanjharpur, Madhubani, in connection with Jhanjharpur P.S. Case No. 205/2014.

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(Sudhir Singh, J)