

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10918 of 2015

Arising Out of PS.Case No. -30 Year- 2010 Thana -UDWANTNAGAR District- BHOJPUR

1. Md. Ali Hussain @ Munna S/o Md. Hanif Miyan, Resident of Pinyan Sadar, P.S.- Udwant Nagar, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. B.N.Panday(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-03-2015 Heard both sides.

The petitioner seeks bail in Sessions Trial No. 274 of 2014, arising out of Udwantnagar P.S. Case No. 30 of 2010, registered for the offences punishable under Sections 366A, 376 and other Sections of the Indian Penal Code.

The informant alleged that his minor daughter was kidnapped by Md. Shahjad and the petitioner and other family members also helped Md. Shahjad.

Learned counsel for the petitioner submits that the petitioner is father of Md. Shahjad. The victim fell in love with Md. Shahjad and she voluntarily left her house. The victim wrote many letters to Md. Shahjad Annexure-4 series. It is further submitted that the police after investigation submitted final form finding the case false against the petitioner. Charge sheet is submitted only against Md. Shahjad, but the

learned Chief Judicial Magistrate took cognizance against the petitioner also. The petitioner is an old man aged about 70 years and he is under treatment in P.M.C.H. for ailment of heart.

On the other hand learned APP submits that the victim made her statement under Section 164 of the Cr.P.C. She disclosed the name of the petitioner and stated that the petitioner put handkerchief on her mouth when she became unconscious the accused persons committed rape with her one by one after kidnapping.

It appears that petitioner is father of Md. Shahjad who is alleged to have kidnapped the daughter of the informant. The daughter of the informant wrote many letters to Md. Shahjad. The police after investigation submitted final form finding the case false against the petitioner. The petitioner is in jail since 17.10.2014.

Considering the facts aforesaid the petitioner above named is directed to be enlarged 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 5th Additional Sessions Judge, Bhojpur, Ara in connection with Sessions Trial No. 274 of 2014, arising out of Udwantnagar P.S. Case No. 30 of 2010.

(Prabhat Kumar Jha, J.)

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