

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45268 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Md. Anjar Son of Md. Taiyab,
2. Md. Irshad, Son of Md. Tazam,
Resident of Village -Sahugardh, Ward No. 1, Police Station -Madhepura,
District -Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-01-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners seek bail in connection with Madhepura P.S.
Case No. 204 of 2015 registered for the offences punishable under
Sections 366A, 153, 295 (A)/34 of the Indian Penal Code.

Allegedly, ten FIR named accused persons including
the petitioners kidnapped the minor niece of the informant and
thereafter, during investigation the victim and co-accused
Shamshad were recovered from Baramula (Kashmir) and the
victim in her statement recorded under Section 164 Cr.P.C. named
Shamshad and petitioners also.

Submission is of false implication and that due to land



dispute the petitioners have been implicated, as a matter of fact the victim and Md. Shamshd were having love affairs and the victim went to Kashmir with Md. Shamshad out of her own free will and both were recovered by the Police from Kashmir but the victim named the petitioners also due to enmity. Other co-accused have been allowed bail, the victim has not stated any overt act against the petitioners and the doctor has also not found any injury or any sign of rape upon the victim and as such the petitioners who are in custody since 05.05.2015 deserve sympathetic consideration and no useful purpose is going to serve by retaining the petitioners in custody. In this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP fairly submits that though the victim has named the petitioners but has not stated specifically regarding any overt acts committed by them.

In the facts and circumstances stated above, considering that the victim has not stated regarding any overt act committed by the petitioners, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and the doctor has found her age between 16-18 years, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties

of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 204 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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