

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53364 of 2015

Arising Out of PS.Case No. -146 Year- 2014 Thana -BAUSI District- PURNIA

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1. Md. Khurshid Alam @ Md. Khurshid, son of Md. Rakib, of village-Khutiya, P.S.- Baisi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. S.N.Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 29-01-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Baisi P.S. Case No. 146 of 2014 registered for the offences punishable under Sections 323, 366A, 120B of the Indian Penal Code.

On the basis of complaint petition this case has been registered with allegation that the petitioner gave lift to Muzaffir Begum the daughter of complainant/informant to bring her at village Khutiya but there she was not brought and it reveals that the petitioner has kidnapped her.

Submission is of false implication and that the complaint petition has been filed on 30.06.2014 for the occurrence dated 28.06.2014, the complainant/informant has wrongly alleged that the petitioner gave lift to his daughter, the prosecution story

appears not probable and reliable and the petitioner has voluntarily surrendered on 25.08.2015 and since then he is in custody.

Learned APP opposes the prayer of bail by submitting that the petitioner took away the minor daughter of the complainant/informant on his motorcycle and she is still traceless.

In the facts and circumstances stated above, considering that no fruitful purpose is going to be served in detaining the petitioner in custody, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 146 of 2014, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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