

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28502 of 2016

Arising Out of PS.Case No. -217 Year- 2004 Thana -NAWADA District- NAWADA

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1. Jiyauddin Sah.
2. Fakhruddin Sah. Both son of Late Sukar Sah, resident of Village Bhadauni Chhoti Dargah P.S. Nawada District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

8 23-11-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are named in the first information report which was registered on the basis of complaint petition. The accusation against the petitioners is that they along with others kidnapped the informant's minor daughter. The present occurrence took place in the year 2004 and petitioners could be remanded in this case in the year 2016.

Submission on behalf of the petitioners is that one co-accused Shamshu Sah faced trial in sessions trail no.122 of 2005/46 of 2005 before the Additional Sessions Judge, FTC-I, Nawada and he was acquitted by the concerned court on 2.12.2006. It is



further submitted that in the aforesaid trial, the informant accepted that he had lodged the present case under misconception. It is also pointed out that, as a matter of fact, the victim was never kidnapped rather the informant solemnized her marriage and presently, she is residing with her husband. It is also submitted that petitioners could not surrender before the court as they were under impression that after acquittal of co-accused Shamshu Sah, the case has already been closed. Moreover, petitioner no. 1 does have criminal antecedent of one case apart from this case and so far as petitioner no. 2 is concerned, he does not have any criminal antecedent.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of the fact that petitioners are languishing in jail custody since 02.03.2016, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, 5th, Nawada in connection with Nawada Town P.S. Case No. 217 of 2004, subject to the condition that petitioners shall attend the trial court on each and every date for the period of six months or till conclusion of their trial, whichever is earlier and if they fail to do so on two consecutive dates without any reasonable cause, the trial

court shall be at liberty to cancel the bail bonds of the petitioners.

(Hemant Kumar Srivastava, J)

