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Appear
For the

Md. Kabir, son of Md. Kamrul, Resident of village- Nimi, P.S.- Singhiya,
District- Samastipur

Versus

.... Opposite Party

For the Petitioner : Mr. Bhim Kumar Yadav, Advocate
For the Opposite Party : Mr. M.Rab(App)

3 14-07-2016 Heard learned counsel for the petitioner and
learned A.P.P. representing the State.

Allegedly, the daughter of the informant aged about 16 years was kidnapped by F.I.R. named accused persons. During investigation, the statement of the victim girl was recorded under Section 164 Cr.P.C. wherein she has stated the name of the petitioner also regarding his involvement in her kidnapping but has subsequently stated

that co-accused Md. Nisar and Md. Mojib committed rape with her and further tried to sell her at Kolkatta.

Submission is of false implication and that the petitioner is not named in the First Information Report. The victim has stated the name of the petitioner that he has also assisted in her kidnapping but allegation of rape is not against the petitioner. Further, the informant has filed compromise petition also in the Court below and as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. submits that from Annexure-2 which is the photostat copy of the statement of the victim recorded under Section 164 Cr.P.C., it reveals that the petitioner was only involved in kidnapping the victim.

In the facts and circumstances state above, considering that allegation of rape is not against the petitioner and further considering his detention, now, the petitioner abovenamed is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sri R.K. Tripathi, learned A.C.J.M. Rosera in connection with

Singhiya P.S. case no. 99/2015 subject to the conditions that one of the bailors must be 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 the privilege of bail.

(Jitendra Mohan Sharma, J.)

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