

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38275 of 2016

Arising Out of PS.Case No. -63 Year- 2014 Thana -TEDHAGACHH District- KISANGANJ

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Md. Akhtar @ Akhtar Subhani @ Akhtar, S/o Kalwa, R/o Gamhaira, P.S.
Tergacch, District Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate

For the Opposite Party : Mr. Sri Rajeev Nayan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2016

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

The petitioner seeks bail in connection with S.Tr No.
335 of 2015 arising out of Terhagach P.S Case No. 63 of 2014
registered for the offences punishable under Sections 363A, 366A,
120(B), 341 of the Indian Penal Code.

This case has been lodged on the basis of Complaint
Case no. 939C of 2014 wherein against the petitioner and others, it
is alleged that they have kidnapped Munni Begam, minor daughter
of the complainant.

Submission is of false implication and that Sessions
Trial No. 91 of 2015 has been ended in acquittal which was lodged
by Munni Begam, the daughter of the complainant herself and in
that case Munni Begam has been examined and has not supported
the prosecution version that case was lodged under section 366,

376, 341, 323, 342, 354 and 406/34 of the Indian Penal Code wherein the petitioner was also accused no.1 and judgment was delivered on 31.07.2015 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that in Sessions Trial No. 91 of 2015 lodged by the daughter of the complainant, the accused has been acquitted.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with S.Tr. No. 335 of 2015, arising out of Terhagach P.S. Case No. 63 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.)

Rajiv/-

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