

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58465 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -ISSUAPUR District- SARAN

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1. Ashagar Mia @ Ashagar Ali, S/o Late Samamul Miya, resident of
village- Rasidpur, P.S.- Taraiya, Dist- Saran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Basant Kumar Singh
For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 24-02-2016

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Isshuapur
P.S. Case No. 124 of 2015 registered for the offence punishable
under Section 366(A)/34 of the Indian Penal Code.

Allegedly, co-accused Police Singh and Raja Miyan
kidnapped Neha Kumari aged 14 years, the daughter of the
informant, during investigation the victim girl was released and
her statement has been recorded under Section 164 Cr.P.C.
wherein, she has supported the allegation of her kidnapping and
further alleged that both Raja and Police have committed rape
with her and she was kept in the house by the petitioner and
Barister Singh.

Submission is of false implication and that neither the
petitioner had kidnapped the victim girl nor he had committed any

overt act, only allegation is that he went with the victim at his house and for that the petitioner suffering in custody since 3.10.2015, deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that Raja is the son of the petitioner, is still absconding.

In the facts and circumstances stated above, considering the detention of the petitioner, now he 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 C.J.M., Saran at Chapra in connection with Isshuapur P.S. Case No. 124 of 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 privilege of bail.

(Jitendra Mohan Sharma, J)

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