

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27389 of 2017

Arising Out of PS.Case No. -8 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Md. Firoz, Son of Md. Israil.
2. Md. Nizam, Son of Md. Israil. Both are Resident of Village:- Ratwara,
P.S.- Pear, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in custody since 23.3.2017
in connection with Chakmehsi P.S. Case No. 08 of 2016 for
offences punishable under Sections 363, 365 and 366(A) of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her daughter Shabana Khatoon was going to school along
with Khushboo and Chandni. After some time her daughter was
not found and on search, her daughter hid herself and later on went
away with the petitioners along with two other persons in a Bolero
Car.



It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the present case. The statement of the victim under Section 164 Cr.P.C. is in contradiction to the statement made by the informant in the FIR. No overt act has been alleged to have been committed by the petitioner and that a compromise has been entered into between the parties. It has also been submitted that charge-sheet has already been submitted hence, there is no chance of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the missing girl was a minor.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur, in connection with Chakmehsi P.S. Case No. 08 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his



relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on three consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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