

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3212 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -GADHPURA District- BEGUSARAI

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Md. Mazhar Eqbal, Son of Md. Mohid Mazhari, Resident of Village –
Malipur, Police Station – Garhpura, District – Begusarai.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-11-2017

The appellant seeks regular bail in connection with Garhpura P.S. Case No. 70 of 2017, registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code and under Sections 3(i) w (ii) of the SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant as per the FIR is of kidnapping the daughter of the informant.

It has been submitted on behalf of the appellant is that the girl has been recovered and her statement has been recorded under Section 164 Cr.P.C. wherein she has not named any person and stated that four persons kidnapped her. Further there is no allegation of making any attempt of committing rape or any physical relationship. The appellant is in custody since 23.08.2017.

Heard learned Special PP also.



Having heard both sides, in view of the facts as stated above, this appeal is allowed and impugned order is set aside. Let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25, 000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC & ST (POA) Act, Begusarai in connection with Garhpura P.S. Case No. 70 of 2017, subject to the following conditions:

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

KKSINHA/-

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