

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1253 of 2017

Arising Out of PS.Case No. -264 Year- 2001 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Nehal Miyan son of Late Ali Bash Miyan Resident of Village - Sheorajpur,
Police Station - Nautan, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-01-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.09.2016 in connection with Sessions Trial No. 146(B) of 2004
arising out of Bettiah Muffasil P.S. Case No. 264 of 2001
registered for the offence punishable under Sections 364(A)/34 of
the Indian Penal Code.

The prosecution case is that informant came to know
that his son has been kidnapped by one Guddu Chaubey with the
help of other miscreants. Accused persons also demanded ransom
of Rs. 10,000,00/- from the informant and his relative.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated. He submits that although petitioner was in custody in relation to Gopalpur P.S. Case No. 60 of 2008 and was allowed bail on 20.07.2013, he was not remanded in the present case and has been declared absconder, hence, in spite of bail being granted by this Court to other co-accused, his bail application has been rejected. He submits that petitioner will not misuse the privilege of bail and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail, as petitioner was an absconder since 2002.

Considering the facts and circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, West Champaran at Bettiah in connection with Sessions Trial No. 146(B) of 2004 arising out of Bettiah Muffasil P.S. Case No. 264 of 2001, subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the



evidence and that petitioner shall appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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