

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26089 of 2017

Arising Out of PS.Case No. -180 Year- 2015 Thana -PAROO District- MUZAFFARPUR

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1. Md. Mustakim @ Md. Mostakim S/o Late Ibrahim Mian, R/o Village-
Rampur Kesho @ Malahi, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 02.04.2017 in a
case registered for offences punishable under Sections 323, 341,
504, 364, 302, 341 and 120 (B) of the Indian Penal Code.

The Complaint case which was numbered as Complaint
Petition No. 1015 of 2015, was subsequently registered as F.I.R.
Under Section 156 (3) Cr. P.C. is that the complainant's husband
was taken away by the petitioner to work in his shop at Arunachal
Pradesh for salary of Rs. 5000/- which was neither paid nor the
complainant's husband has returned.

It has been submitted by the learned counsel for the
petitioner that he is innocent and the complainant's husband had



gone to Arunachal Pradesh to work in his shop for repairing mattress/pillow but he went missing and complainant had filed a sanha on 31.07.2014 wherein Arunachal Pradesh police searched and found her husband had gone in the suspected jungle area where, after search his slippers and bundle of cotton were recovered . He further submits that no overt act has been committed by him and the informant has also compromised with the petitioner as her husband was mentally weak. Under such circumstances, he submits that a sympathetic consideration be taken. It is further submitted that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned counsel for the State submits that the complainant's husband is still missing, hence, opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record , let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction pf Miss Priti Kumari, learned Judicial Magistrate, 1st class, Muzaffarpur in connection with Paroo P.S.Case No. 180/2015, subject to the condition that the petitioner will co-operate during



trial and directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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