

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29354 of 2017

Arising Out of PS.Case No. -335 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Nawaj Sharif @ Nawab Sharif, son of Sheikh Gyasuddin, resident of
Village- Semra Ghat, P.S.- Majhaulia, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 25-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.11.2016 in connection with Majhaulia P.S. Case No. 335 of
2016 for offences punishable under Sections 363, 364 of the
Indian Penal Code and subsequently Section 364-A of the Indian
Penal Code has been added.

The prosecution case, as lodged by the informant, is
that he runs a hostel and his cook received a call many times
enquiring about the victim boy Munna Alam. When Munna Alam
returned in the hostel, he was called by some people that his
family members are sick, who took him and thereafter he did not



return.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and also has not been named by the victim boy in his statement under Section 164 Cr.P.C. He submits that it is only on the confessional statement of co-accused Bablu @ Sajjad and his own confessional statement before the police, which has no evidentiary value in the eye of law that he has been made accused. He further submits that co-accused Bablu @ Sajjad has been granted privilege of bail by this Court in Cr. Misc. No. 26520 of 2017 on 16.08.2017 and that the victim boy has been recovered the same day. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in



connection with Majhaulia P.S. Case No. 335/2016, subject to the following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate 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.

(Nilu Agrawal, J)

Rajesh/-

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