

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26520 of 2017

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

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1. Bablu @ Sajjad @ Sahjjad Son of SK. Afsar, At Mahmadaawa, P.S.-
Sikta, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.11.2016 in connection with Majhaulia P.S. Case No. 335/2016
for offences punishable under Sections 363, 364 of the Indian
Penal Code and later on 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 it is only on the statement made by the victim boy under Section 164 of the Cr.P.C. that he has been made accused and that another co-accused has since been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 13601 of 2017 on 22.03.2017. He further submits that it is only on the basis of suspicion and being of the same village as that of the victim boy, who studies in Class-III, that his name surfaced and that no Test Identification Parade has been done so far. It is also submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

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 conditions that :

- (i) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner 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 reason, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

Rajesh/-

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