

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42954 of 2017

Arising Out of PS. Case No.-227 Year-2017 Thana- KATIHAR District- Katihar

Md. Shamsad Son of Mahbood Ansari, resident of Mohalla-Seva nagar
Baigana, Ward No. 45, P.s. Katihar (T), District Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. SRI AKSHAY LAL PANDIT

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Katihar (T) P.S.Case N0. 227 of 2017, disclosing offences under Sections 363,365 of the Indian Penal Code and later on Sections 366,376D,120B of the Indian Penal Code have been added.

The petitioner is said to be involved in kidnapping of the victim leading to registration of case for the offences punishable under Sections 363 and 365 of the Indian Penal Code. Victim's statement has been subsequently recorded under Section 164 of the Code of Criminal Procedure, 1973, which constitutes offence punishable under Section 366 and 376D of the Indian Penal Code, and accordingly the said sections of the IPC have been added.



Learned counsel for the petitioner has submitted that the manner in which the First Information Report has been registered and the nature of the statement, which have been made by the victim does not inspire confidence. He has further submitted that this Court may take judicial notice of the fact that lodging of the false criminal cases of this nature has become rampant in the district of Katihar.

I have perused the First Information Report and the statement of the alleged victim under Section 164 of the Code of Criminal Procedure, 1973.

Learned counsel for the petitioner appears to be correct in his submission that the statement does not inspire much confidence. Further, the medical report also does not support the allegations made.

Considering the above submission, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in Katihar (T) P.S. Case No. 227 of 2017, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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