

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22174 of 2017

Arising Out of PS.Case No. -99 Year- 2016 Thana -BANKA District- BANKA

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1. FAZAL MAHMOOD @ FAIZLU @FAZUL Son of Ismile Hussain
resident oif Village- Singarpur, P.S. Dhoraiya, Dist Banka

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Adv.

For the State : Mr. Md. Anzarul Haque Sahara, APP 225

For the informant : Mr. Om Prakash Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-06-2017 Heard the learned counsel for the petitioner, the informant and the State.

This is a petition for grant of regular bail for offence under Sections 363 and 364 of the Indian Penal Code.

Though the petitioner is not named in the first information report, his named has transpired in the statement of the victim-girl under Section 164 of the Criminal Procedure Code along with other co-accused, Sajid Ansari, and others, as main perpetrator of the crime of abduction/kidnapping.

Submission of the learned counsel for the petitioner is that the first information report was lodged only after paper news that the victim is lying in a shelter at Bhagalpur. The statement of the victim-girl was recorded only after she was handed over to her father, therefore, chances of tutor can not be ruled out. His, further, submission is that due to political dispute arising during election of Panchayat present false case has been lodged.

Submission of the learned counsel for the informant is that co-accused, Sajid Ansari, has been refused bail by a



coordinate Bench of Court in Cr. Misc. No. 8072 of 2017 with the direction to the learned trial Court to conclude the trial within a period of nine months and allegation against the petitioner is similar to Sajid Ansari and others. The petitioner is in custody since 17.11.2016.

Considering the aforesaid fact, I am not inclined to enlarge the petitioner on bail for the present.

The prayer for bail is **refused**.

However, the petitioner shall be at liberty to renew the prayer before the learned trial Court, itself, if the trial is not concluded within a period of nine months.

(Birendra Kumar, J)

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