

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6217 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)

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Md. Haider, Son of Md. Abbas, resident of Village- Mansurpur Halaiya,
Police Station- Goraul, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Kumari, daughter of Devanand Mahto, Wife of Rajan Kumar Chouhan, resident of Mohalla- Meenapur, Ward No. 33, Police Station- Hajipur Nagar, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Opposite Party/s : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 28-03-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 03.03.2017 in connection with Goraul P.S. Case No.37 of 2017 registered for the offence under 363, 366A, 504/34 of the Indian Penal Code.

The bail application of the petitioner was earlier rejected in view of the statement of the victim girl recorded under Section 164 Cr.P.C. that she had been kidnapped by the petitioner.

Learned counsel for the petitioner, however, renewed his prayer for bail on the ground that there are serious discrepancies in the statement of the victim girl and also her



statement made before the police. It is further submitted that even the statement of the mother in the F.I.R. is at variance with the statement made by the victim girl. Moreover, learned counsel for the petitioner submits that the petitioner has already been in custody for more than one year.

Considering the entire gamut of circumstances and there being certain cloud on the prosecution story and, further, because the petitioner is having no criminal antecedents, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Vaishali at Hajipur, in connection with Goraul P.S. Case No.37 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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