

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59126 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- SAUR BAZAR District- Saharsa

Raja Hussain @ Md. Raja Hussain, S/o Late Md. Imaman, Resident of Village- Sirha, Tola Ramnagar, P.S. Sour Bazar, District Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Sour Bazar P.S. Case No. 121 of 2018 registered for the offence punishable under Sections 366A/34 of the Indian Penal Code.

The FIR was lodged against 13 named accused persons. It is alleged in the FIR that all the named accused persons with common intention variously armed came in the house of informant and on the point of pistol tied him and his wife with pole of the house and forcibly kidnapped his minor daughter Kajal Khatoon. It is further alleged that earlier on 09.01.2018 those accused persons had kidnapped his daughter, who was recovered during investigation and handed over to him.

It has been submitted on behalf of the petitioner that



petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against all FIR named accused persons for kidnapping the daughter of informant. There is no specific allegation of overt act against petitioner and he has no connection with the family of Md. Tasowar who is having love affairs with the daughter of informant since long and she has willingly gone. It has been further submitted that daughter of the informant had earlier also fled away with Md. Tasowar. Daughter of the informant is major and Panchyati was held in which it was decided that if there is love affairs between them then they should perform Nikah and whoever participated in the said Panchayati all have been made accused in present case. Petitioner has no criminal antecedent and he is in custody since 09.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Saharsa, in connection with Sour Bazar P.S. Case No. 121 of 2018.

(S. Kumar, J)

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