

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20141 of 2018

Arising Out of PS. Case No.-574 Year-2016 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Md. Sahim @ Chhotu son of Md. Zafar @ Md. Deepak Kumar Sah Resident
of Akharaghat Near the Naka, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Prasad, Advocate
		Mr. Raju Kumar Goswami, Advocate
For the Opposite Party/s :		Mrs. Sucheta Yadav, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2018 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner had earlier moved for bail, which
was rejected vide order dated 13.02.2018 passed in Cr. Misc.
No. 158 of 2018. Petitioner is languishing in judicial custody
since 24.03.2017 in connection with Sadar P.S. Case No. 574 of
2016 registered for the offence punishable under Sections 363,
366, 380, 384, 448 and 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the complainant-
informant by way of complaint, is that her daughter was taken
away by the petitioner and others and when the complainant-



informant went to enquire, she was assaulted by the petitioner and other co-accused.

It has been submitted by the learned counsel for the petitioner that he is innocent and earlier the husband of the complainant-informant had also lodged a case against the petitioner being Sadar P.S. Case No. 387 of 2016 for the same occurrence and except that he has no criminal antecedent. He submits that both the informant and victim had a love affair and are married husband and wife, but the informant's daughter under coercion has given a different version under Section 164 of the Cr.P.C. He submits that charges have been framed, but as yet none of the prosecution witnesses has been examined. He further undertakes to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

In this regard, a report was called for from the learned Court below regarding the stage of the trial. Learned Court below has sent a report dated 04.05.2018 that none of the prosecution witnesses has been examined as yet, although summons have been issued against them.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 574 of 2016, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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