

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76111 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- PAKRIDAYAL District- East Champaran

Sarfaraaj Alam Son of Md. Mustafa Resident of Village- Pakarideyal, P.S.
Pakarideyal, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @Sonu Babu, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 20-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Pakarideyal P.S. Case No. 139 of 2018** registered for the offence punishable under Sections 363, 365, 366-A and 34 of the Indian Penal Code.

Informant who is the father of the victim girl has alleged that when his daughter had gone to school petitioner along with other co-accused persons kidnapped his daughter.

It has been submitted on behalf of the petitioner that he runs a tailoring shop in the house of the informant and there is dispute going on between the parties relating to vacate the shop and due to that reason he has been falsely implicated in this case. It has been further submitted on behalf of the petitioner that the girl has not been recovered as yet though the petitioner is in custody for more than five months. The occurrence is of 19.07.2018 but FIR was lodged on 22.07.2018. Petitioner has



got no criminal antecedent and is in custody since 23.07.2018.

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/- with two sureties of the like amount each to the satisfaction of learned **5th Additional Chief Judicial Magistrate, East Champaran at Motihari** in connection with **Pakarideyal P.S. Case No. 139 of 2018** with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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