

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7704 of 2018

Arising Out of PS. Case No.-128 Year-2017 Thana- UCHAKAGAON District- Gopalganj

Sah Fahad @ Sah Fahad Alam S/o Ijaharul Haque, R/o Village- Asandupur,
P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ganpati Trivedi, Sr. Advocate Mr. Madan Mohan, Advocate Mrs. Pallavi Pandey, Advocate
For the Opposite Party/s :		Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 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 17.10.2017 passed in Cr. Misc. No. 43712 of 2017. Petitioner is languishing in judicial custody since 19.07.2017 in connection with Sessions Trial No. 581 of 2017 arising out of Uchkagaon P.S. Case No. 128 of 2017 registered for the offence punishable under Sections 363, 366A and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his sister, Shaiyada Fatima aged 16 years has disappeared from the house and on search the petitioner along with his friend has been found to have kidnapped his sister.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated being a close acquaintance of the victim. He submits that the victim girl in her statement under Section 164 of the Cr.P.C. has stated her age to be 18 years and the medical opinion also suggests her age to be 17-18 years, as such, she was a major and had good friendship with the petitioner. He submits that although the date of alleged occurrence is 18.07.2017, but the victim girl has stated the date of occurrence as 14.07.2017, which makes the prosecution story unbelievable. He submits that charges have already been framed and the petitioner is in custody for nearly 10 months.

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

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 1st Additional Sessions Judge, Gopalganj in connection with Sessions Trial No. 581 of 2017 arising out of Uchkagaon P.S. Case No. 128 of 2017, 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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