

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16039 of 2018

Arising Out of PS. Case No.-135 Year-2012 Thana- AADAPUR District- East Champaran

1. Abdul Mian, S/o Late Hasim Mian,
2. Talam Mian S/o Abdul Mian,
3. Saddam Hussain S/o Abdul Mian, All R/o Village- Kalwari Majhariya, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Sri Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-04-2018 Heard the learned counsels for the petitioners and the State.

The petitioners, who are father and sons respectively, seek bail in anticipation of their arrest in connection with Trial No. 1585 of 2017, arising out of Adapur P.S. Case No. 135 of 2012 dated 12.10.2012 instituted under various Sections of the Indian Penal Code and under Section 27 of Arms Act, but charges having been framed under Sections 148, 323, 366A/34 of the Indian Penal Code.

One Manzoor Mian is said to have kidnapped the minor daughter of the informant and on protest, the informant was assaulted by the petitioners and others. The police however, after thoroughly investigating the



case, found the materials lacking against the petitioners and hence did not send them up for trial. However the learned Chief Judicial Magistrate, differing with the police report, took cognizance against the petitioners also under Sections 148, 323, 366A/34 of the Indian Penal Code.

Perused the statement of the victim recorded under Section 164 Cr.P.C. it appears that Manzoor Mian who is said to have kidnapped the victim has been granted anticipatory bail by a Bench of this Court on 23.04.2015 passed in Cr. Misc. No. 46246 of 2014. The petitioners, it has been submitted, were wrongly informed that since final form has been submitted against them, they would not be required to pursue their case. They came to learn only later that the final form was not accepted and the charges have been framed against them.

Considering the aforesaid facts and especially that in the initial investigation, no material was found against the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Trial No. 1585 of 2017, arising out of Adapur P.S. Case No. 135 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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