

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70469 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- MANSAHI District- Katihar

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1. Md. Jamal @ Mad Jamal son of Late Md. Safir Mian @ Safar
 2. Md. Tetar @ Md. Jiyauddin son of Md. Jamal @ Md Jamal
- Both are Resident of Village - Chhoti Bathna, Police Station-Mansahi,
Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Mansahi P.S. Case No.93 of 2018 registered under Section
366A/34 of the Indian Penal Code.

It is contended that the daughter of the informant, a
co-villager is a major and married lady. Upon recovery, her
statement was recorded under Section 164 of the Code of
Criminal Procedure in which she has neither named nor
whispered a word against the petitioners. The petitioners have
been named by the informant merely on suspicion and there is
no material to corroborate the allegations made in the FIR in
view of non identification of culprit involved in the crime by the



informant.

Learned counsel for the State opposed the prayer for grant of pre-arrest bail to the petitioners. He contended that the victim in her statement under Section 164 of the Code of Criminal, as contained in Annexure-2, to this petition has supported the fact that he was abducted by three persons, but it is true that she has not named the petitioners.

Considering the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Katihar in connection with Mansahi P.S. Case No.93 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md. S/-

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