

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12805 of 2019

Arising Out of PS. Case No.-238 Year-2015 Thana- MANJHAGARH District- Gopalganj

MD. MURTUZA HAFIZ @ MURTAZA HUSSAIN @ MURTUZA HAFIZ
Son of Sattar Mian, Resident of Village - Pathra, P.S.- Manjhagarh, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. K. N. Choubey (Sr. Adv.)
	:	Mr. Prashant Kumar, Adv.
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 26-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody seeks bail in connection
with Manjhagarh P.S. Case No. 238 of 2015 registered for
offences punishable under sections 363, 366(A) of the Indian
Penal Code.

Petitioner had earlier moved this Court for anticipatory
bail vide Criminal Miscellaneous No. 52429 of 2017 which was
rejected on 21.12.2017 and thereafter he moved this Court for
regular bail vide Cr. Misc. No. 54012 of 2018 but the same was
rejected on 27.09.2018.

Allegation against petitioner is of kidnapping the
daughter of informant.



It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. It has been further submitted that the occurrence took place on 21.10.2015 whereas FIR was registered on 02.11.2015 after a delay of 12 days. There is no eye witness of the occurrence. Petitioner has no criminal antecedent and he is in custody since 04.06.2018.

Considering the nature of allegation against petitioners, I am not inclined to grant bail to the petitioner at this stage. Accordingly the prayer for bail is rejected.

However, petitioner may renew his prayer for bail after framing of charge. If charge has already been framed in this case, petitioner shall be released on bail in the court below itself on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj, in connection with Manjhagarh P.S. Case No. 238 of 2015 subject to the conditions that:-

(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 present on each and every date fixed



by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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.

With the above observation, this application is disposed of.

(S. Kumar, J)

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