

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20381 of 2019

Arising Out of PS. Case No.-43 Year-2018 Thana- ADAPUR District- East Champaran

ABDUL KALAM @ KALAM MIYAN, aged about 38 years, Male, Son of
Md. Kaish, Resident of Village- Sekhwa Tola, Sirisiya Kala, P.S.- Adapur,
District- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Adv.
For the Opposite Party : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 07-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Adapur P.S. Case No. 43 of 2018 for the offences alleged under
Sections 147, 341, 323, 324, 385, 386, 307, 504 and 34 of the
Indian Penal Code and 27 of the Arms Act.

The accusation is that on 03.03.2018 when the
informant was present at his village Shekhwa Tola Sirijia Kala,
then, received information to the effect that his daughter has
been kidnapped from Nepal by his villager, Abdul Kalam
(petitioner), and his family members regarding which a case at
Basantpur Police Station (Nepal) is lodged. On seeing Md.
Kaish, the father of Abdul Kalam, on a tea shop the informant
came to him and enquired about her daughter, then, Md. Kaish
called his sons, by that time the informant came near the door of



his house, all the sons of Md. Kaish caught hold of him and demanded Rs.2,00,000/-. The informant made protest, but on the order of Md. Kaish, Husain Mian gave farsa blow on his head. On hearing the cry of the informant, his son, Sarfaraz Alam, his wife, Hajra Khatoon, and his brother's wife, Taiyab Khatoon, rushed to save him. Shamim Mian caused head injury through sword to Sarfaraz Alam. Saddam Mian caused injury to his wife and son-in-law. On hearing the cry the neighbours rushed, then, Abdul Kalam took out the pistol and fired and all fled away. Thereafter, was rushed to Adapur Primary Health Center.

Learned counsel appearing for the petitioner submits that while the allegation has been made to open fire, but, none has sustained injury. In fact, due to some family dispute the informant has lodged the present case. More over, Sahana Khatoon, the daughter of the informant has performed marriage with the petitioner, which would appear from Annexure 2, the certificate of registration of marriage, issued on 17.04.2019 by the Marriage Registration Officer, Akbarpur, Ambedkar Nagar, Uttar Pradesh.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.



Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Adapur P.S. Case No. 43 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

