

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29770 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- FORBESGANJ District- Araria

1. MD. MURSHID ALAM Son of Late Md. Nazam
2. Md. Monu @ Abdu @ Abdullah, Son of Md. Siddik both Resident of Village-Adraha, Ward No.5, P.S.-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in a case registered for the
offence punishable under Sections 363, 366A and 34 of the
Indian Penal Code.

Prosecution case as lodged by the informant is that on
30.01.2019 around 1.00PM his 14 years old daughter left her
home by saying that she is going to High School, Simarbani for
obtaining admit card of Matriculation Examination. When she
did not return, the informant started to search. During search he
came to know that his minor daughter has been kidnapped
forcibly from Simarbani Chowk by the petitioners on
motorcycle for the purpose of marriage.



It has been submitted on behalf of the petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the aforesaid case. He submits that the victim girl given her statement under Section 164 of the Cr.P.C. where there is no allegation against the accused persons of sexual harassment as well as of any ransom. He further submits that the petitioners are in judicial custody since 01.02.2019.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, District-Araria in connection with Forbesganj P.S. Case No. 92 of 2019, subject to the conditions that:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.



(III) If the petitioners tamper 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 petitioners.

(Anjani Kumar Sharan, J)

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