

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33562 of 2019

Arising Out of PS. Case No.-126 Year-2017 Thana- SAHARGHAT District- Madhubani

MD. ATAUL @ MD. ATABUL RAHMAN @ MD. ATABUL @ ATABUL @
MD. ATABUR RAHMAN Son of Md. Sulaiman R/O Village Bishanpur P.S.
Saherghat District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 18-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 14.12.2017 in connection with Saherghat P.S. Case no.126/2017 registered for the offence punishable under Sections 363,366(A) 34 of the IPC.

Learned counsel for the petitioner submits that earlier the case of the petitioner was rejected since the victim girl had not been recovered. It is further submitted that she has also deposed in the trial and stated that her earlier statement under Section 164 was under pressure of her parents. She has in her deposition, which has been marked and placed on record before this Court in the supplementary affidavit, she has clearly stated that she does not recognize the accused who are present in court



and prior to her kidnapping she had never known the accused persons namely, Md. Ataul @ Md. Atabul Rahman @ Md. Atabul @ Atabul @ Md. Atabur Rahman, the main accused in this case. The petitioner thus prays that in view of period of the custody and that the petitioner was having no criminal antecedent and further in view of the deposition of the victim girl there is of likelihood that the petitioner may acquitted on the charge and he may be extended the privilege of bail.

Considering the entire facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/-(Thousand) with two sureties of the like amount each to the satisfaction of learned Second Additional Sessions Judge, Madhubani in connection with Saherghat P.S. Case No.126/2017, subject to following conditions:

- (1) One of the bailor will be his father.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Prakash Narayan /-

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