

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33007 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- CHAPRA TOWN District- Saran

Md. Nisar, aged about 35 years (Male), Son of Md. Wakil Resident of Village
- Pohiya, P.S.- Garkha, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Adv.

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-09-2019 Heard learned counsel for the petitioner and learned APP for the
State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363, 302, 201 and 34 of the Indian Penal Code.

The prosecution case is that on the date of occurrence, the informant's nephew namely Sarthak Shekhar aged about nine years, had gone outside from his house to play at about 3 PM. But he did not return back till now, thereafter search was made but no clue was found. It is further alleged that his nephew is a student of Class-II of Braj Kishore Kinder Garten School and he also speaks Hindi and English, thereafter, he lodged this case against unknown.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.01.2019 and has got no criminal antecedent. The petitioner is not named in the FIR, the name has



come only suspicion. As per case diary, there is no direct or indirect evidence and only on suspicion the petitioner made accused in this case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 learned Chief Judicial Magistrate, Saran at Chapra, in connection with Chapra Town P.S. Case No. 24 of 2019, subject to the following conditions:

(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 properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(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.

(Anjani Kumar Sharan, J)

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