

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39793 of 2019

Arising Out of PS. Case No.-487 Year-2018 Thana- DHAKA District- East Champaran

MITHU @ MITU @ MURAD @ MD. MURAD Son of Jakir Hussain
Resident of Village-Raksa Rahimpur, P.S.-Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-06-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Dhaka P.S. Case N0. 487 of 2018, disclosing offences under Sections 363 and 366A/34 of the Indian Penal Code.

It is alleged in the First Information Report that the informant's daughter was missing since 29.11.2018. It has also been alleged that the informant's family and the petitioner were on inimical terms. According to the informant, she learnt from the co-villagers that the victim had been kidnapped by the present petitioner. Statement of the Victim has been recorded under Section 164 of the Code of Criminal Procedure before the learned Judicial Magistrate, Dhaka, wherein she has supported the case of the prosecution that she was kidnapped by the petitioner. In the statement made under Section 164 of the Code of



Criminal Procedure, the victim states that she was made unconsciousness by the accused persons including this petitioner and she could regain consciousness at Kalyan railway Station, Mumbai. One Jhunni Begum has also been made accused and, the victim in her statement under Section 164 of the Cr.P.C. has alleged her active participation in the alleged occurrence of kidnapping.

Learned counsel appearing on behalf of the petitioner has submitted that the case of the prosecution as disclosed in the FIR read with statement of the victim recorded under Section 164 Cr.P.C. renders the entire case completely suspicious doubtful. He has submitted that it is evident from the statement of the victim recorded under Section 164 of the Cr.P.C. that according to her she had suddenly seen some of her co-villagers at Kalyan, whereafter she had raised a cry for help. There is no justification why she was not admittedly taken to the police station or the Court for recording her statement and her statement came to be recorded before the learned Judicial Magistrate after few days. Co-accused Jhuni Begum and Md. Wakil have been allowed anticipatory bail by this Court.

Considering the facts and circumstances of the case, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs.



10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, Motihari, east Champaran in Dhaka P.S. Case No. 487 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

