

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.67054 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- ANDHRATHARHI District- Madhubani

Md. Shahnawaz Son of Md. Mubarak Hussain Resident of Village-Gidarganj,
P.S. Andhratharhi, District-Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Sri Anish Chandra

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 10-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Andhrthadhi P.S. Case No. 83 of 2018 registered for the offence punishable under Sections 363, 366(A), 120(B) and 34 of the Indian Penal Code.

Informant has alleged that on 23.07.2018 when he got up in the morning, her niece Sahiba Khatun was not present in the house. On being searched, the informant came to know that one Sivram Sadai has kidnapped her niece with motive to marry her. However, when he went to the house of the accused persons, they fled away with her niece. He suspected that the accused persons had kidnapped her to put her in prostitution.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicate in this case. He is not named in the F.I.R. It has further been submitted that from perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. it appears that there is no allegation levelled



against the petitioner of misbehaving or committing rape upon the victim. Allegation is that he with two other helped Alam in confining her to his house. Similarly placed co-accused Sankar Sah has already been granted bail by the court below itself. Petitioner has no criminal antecedent and he is in custody since 02.08.2018.

Counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IIIrd, Jhanjharpur, Madhubani, in connection with Andhrthadhi P.S. Case No. 83 of 2018, with 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 the Court and his absence on two consecutive dates without sufficient reason, 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.

(S. Kumar, J)

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