

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57785 of 2019**

Arising Out of PS. Case No.-153 Year-2016 Thana- GOGRI District- Khagaria

MD. IMTIYAZ Son of Md Islam Resident of Village - Muskipur Ward No. 12, P.S.- Gogri, Distt - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 04-12-2019 Heard the learned counsel for the petitioner, the learned APP and the learned counsel for the informant.

The petitioner seeks bail in Gogri P.S. case No. 153 of 2016 registered under Section 363, 366, 34 of the IPC.

The informant in his fard bayan disclosed that his sister/ victim had gone along with her parents to offer worship in a temple but she became traceless from the temple. His sister was carrying mobile bearing No. 7763053726.

The learned counsel for the petitioner submits that FIR is against unknown. During the course of investigation the informant filed petition disclosing the name of many persons including the petitioner and suspected that they might have kidnapped the victim for the purpose of marriage. The informant disclosed that Sanjay Das, his co-villager, was instrumental in kidnapping his sister and the petitioner and others helped him. Later on after paragraph 71 of the case diary many witnesses were examined and they also reiterated the facts but nobody is eye witness of the occurrence.



On the other hand, the learned counsel for the informant, while opposing the prayer for bail, submits that the victim is still traceless and the petitioner is also alleged to have assisted Sanjay Das in kidnapping of his sister.

It appears that FIR is lodged against unknown and after about two months the informant himself filed petition and suspected that petitioner and others kidnapped the victim but there is no tangible evidence that petitioner kidnapped the victim. Sanjay Das, co-villager of the informant, is suspected to have kidnapped the victim, who is also traceless from the same day. The petitioner is only alleged to have helped Sanjay Das in kidnapping the victim.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named is directed to be enlarged on bail on his 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, Khagaria in connection with Gogri P.S. case No. 153 of 2016.

(Prabhat Kumar Jha, J)

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