

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73021 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- KUMAR KHAND District- Madhepura

HIMAYUN KABIR @ HUMAYON KABIR Son of Habibur Rahman
Resident of Village - Arjuna, P.S.- Harischandrapur, Distt.- Maldah (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 22.08.2019 in a case registered for the offences punishable under Sections 363, 365, 420, 120B, 34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Dipak Rajput, recorded by S.I. Brijnandan Prasad, Sub-Inspector of Police, Bhatni (O.P.) on 21.08.2019 at 1.30 A.M. is to the effect that the petitioner along with co-accused persons named in the FIR took the informant, his brother Anil Rajput and Allauddin to Katihar by Scorpio vehicle, on the



pretext of performing programme in Katihar because the informant and his brother are dwarf persons and Allaaddin is their care-taker, but the petitioner and co-accused persons confined them in the house of one Parmanand Sardar @ Bhagalwala and they are not allowing them to go from there. In the meantime, when the police came they were rescued.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the offence only under Section 363 of the I.P.C. is made out which is bailable, but the FIR has been lodged under some misconception. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner and co-accused persons.

Considering the nature of accusation and the fact that the investigation has already been concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned CJM, Madhepura, in
connection with Kumarkhand (Bhatni) P.S. Case No. 154 of
2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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