

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.67724 of 2019

Arising out of PS. Case No.-22 Year-2019 Thana- KANGLI District- West Champaran

HAIDER KHAN Son of Lal Khan Resident of Village-Kathiya Mathia, P.S-
Kangali, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyavrat Verma, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 27-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 22 of 2019, dated 16.04.2019, registered at Police Station Kangli under Sections 341, 342, 323, 376, 504 and 506 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for



adjudication of this petition.

Petitioner is suffering incarceration since 06.07.2019, as is so stated by learned counsel for the petitioner. There is no direct allegation against the petitioner, save and except that he helped one Jikrullah Khan to abduct the prosecutrix and take her away to Delhi where she spent some time with Jikrullah Khan and also established physical relationship on the promise of solemnization of marriage.

It is seen that the complaint was registered on 16th of April, 2019, whereas the physical relationship with the accused has been since more than six months.

Prima facie, the allegation made against the instant accused of having helped Jakirullah Khan in abducting the prosecutrix cannot be said to have been made out from the case.

Prima facie also, it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 06.07.2019; no further recovery is to be made from the petitioner, nor any custodial



interrogation is required; he has fully cooperated in the investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Kangli P.S. Case No. 22 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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