

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1726 of 2020

Arising Out of PS. Case No.-469 Year-2019 Thana- MOTIPUR District- Muzaffarpur

BADRI MIAN S/O Late Nabi Miyan R/O Village - Senduari Purushottam,
P.S. Motipur, Distt - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No. 469 of 2019 registered under Sections 363, 365, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the victim girl in her statement under Section 164 Cr.P.C. has not named this petitioner as the person involved in her kidnapping. Learned counsel further submits that in the impugned order the learned 1st A.D.J., Muzaffarpur has observed giving an impression that the name of the petitioner has been brought in this case because earlier in one of the cases son of the petitioner was involved.



Petitioner is in custody since 16.11.2019.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein the submission of learned counsel for the petitioner which has not been controverted by learned A.P.P. for the State that the victim girl in her statement under Section 164 Cr.P.C. has not named this petitioner as the person involved in her kidnapping and further submission that in the impugned order the learned 1st A.D.J., Muzaffarpur has observed giving an impression that the name of the petitioner has been brought in this case because earlier in one of the cases son of the petitioner was involved, this being the position, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (West) Muzaffarpur, in connection with Motipur P.S. Case No. 469 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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