

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4032 of 2020

Arising Out of PS. Case No.-615 Year-2019 Thana- MUFFASIL District- West Champaran

Tabrej Alam, aged about 22 years, male, Son of Rizwan Alam Resident of Village - Ghosukpur Baswaria, P.S.- Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Bettiah Muffasil (Banuchhappar) PS Case No. 615 of 2019 dated 06.11.2019 instituted under Sections 366/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of kidnapping the daughter of the informant.

5. Learned counsel for the petitioner submitted that the FIR was lodged on 06.11.2019 and the same day the so called kidnapped daughter of the informant was recovered from MJK College. It was submitted that the age of the daughter is 20



years. Learned counsel submitted that the girl has also got her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 in which she has not taken the name of the petitioner and has only stated that two persons had taken her away with them. Learned counsel submitted that though in the investigation it has come that at the instance of the petitioner the girl was brought to MJK College on 06.11.2019, but the same stands falsified from the fact that the petitioner has been arrested only on 08.11.2019. It was submitted that had the allegation that at the instance of the petitioner the girl was recovered, been correct, the petitioner would have been arrested on the same day, that is, 06.11.2019, which admittedly is not the case. Learned counsel submitted that the petitioner has been falsely implicated and has no other criminal antecedent and is in custody since 08.11.2019.

6. Learned APP, from the case diary, submitted that the petitioner and his family members were called by the police and it was the petitioner who had rung up his friend and he had brought the girl to MJK College from where recovery has been made. On a query of the Court as to what was the explanation of the petitioner not being arrested on 06.11.2019 when he had come to the police and recovery was made at his instance and he



was arrested only on 08.11.2019, which indicates that such contention is not correct, learned APP fairly submitted that there was no explanation. Further, he could not controvert the fact that the girl has not named the petitioner in her statement to the Court.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in Bettiah Muffasil (Banuchhapar) PS Case No. 615 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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