

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6494 of 2020

Arising Out of PS. Case No.-1018 Year-2019 Thana- ARARIA District- Araria

Md. Usman, S/o Md. Israfil, Resident of Village- Bochi, Ward No.04, Bakra Tola, P.S.- Araria (Bairgachi), Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Araria (Bairgachhi) P.S. Case No.1018 of 2019 instituted for the offence punishable under Sections 363 and 366 of the Indian Penal Code.

The informant has alleged that while she was talking



to her friend in front of her house, two co-accused Ramjan and Gufran, who were travelling on the Scorpio being driven by the petitioner, forcibly lifted her and kidnapped her in the vehicle.

It is submitted that the kidnapping was for the purpose of marrying her with Ramjan. The petitioner's counsel submits that having no criminal antecedents, the petitioner has been made accused in this case for extraneous considerations of compromising the earlier case lodged by the petitioner's brother against the informant's family members regarding kidnapping of the petitioner's *Bhabhi*. The earlier case lodged by the petitioner's side is Complaint Case No.2049 of 2018. It is submitted that the statement of the informant under Section 164 Cr.P.C., and the allegations in the F.I.R. suffer from stark inconsistency. From the prosecution case in the F.I.R., at best the petitioner is the Driver of the vehicle in which the said two co-accused have allegedly forcibly lifted the informant. The petitioner is in custody in this case since 21.11.2019.

Learned APP for the State has opposed the prayer for bail. It is submitted that there is a specific allegation against the petitioner in the F.I.R. The petitioner was the Driver of the vehicle in which the informant has allegedly been kidnapped.

Considering the rival submissions, this Court is



inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned C.J.M., Araria, in connection with Araria (Bairgachhi) P.S. Case No.1018 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order



within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned C.J.M., Araria and the competent authority of the State in terms of clause (4) i of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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