

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13665 of 2020**

Arising Out of PS. Case No.-104 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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ISHRAFIL ALI @ ISHRAFAL ALI S/o Merazuddin @ Merazuddin Ahmad
Resident of Village- Chauki Hasan, P.S.- G.B. Nagar, Tarwara, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

9 05-10-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceeding.

The petitioner seeks bail in connection with G.B.
Nagar P.S. Case No.104 of 2019 registered under Section 363 A
of the Indian Penal Code.

The allegation against the petitioner is that he is said
to have kidnapped the minor daughter of the informant and her
statement was recorded under 164 Cr.P.C. disclosed the
involvement of the petitioner.

Learned counsel for the petitioner submitted that no
such occurrence as alleged ever took place. The petitioner has
been falsely implicated in this case due to dirty village politics.
As a matter of fact, the victim girl was in courtship with the



petitioner. It is further submitted that the victim girl in her statement made under Section 164 Cr.P.C. has stated that the petitioner has kidnapped her but he did not misbehave with her. There is no eye witness of the case. There is delay of one day in lodging the F.I.R. without assigning any cogent reason for the said delay. Moreover, charge has already been framed against the petitioner. Petitioner has been languishing in custody since 21.12.2019.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with G.B. Nagar P.S. Case No.104 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

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

(Anjani Kumar Sharan, J)

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