

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18224 of 2020**

Arising Out of PS. Case No.-1 Year-2019 Thana- VAISHALI District- Vaishali

MD ALI HASSAN @ ALI HASAN S/o Md Abdullah R/o village- Daudpur,
P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ram Shankar Das, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 **10-07-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings 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 Vaishali Police Station (for brevity, *PS*) Case No 1 of 2019 instituted for the offence punishable under Section (s) 363, 366, 366A of Indian Penal Code.



Informant's daughter went out in the wee hours on 16.12.2018 where after she did not return. It is alleged that on 29.12.2018, her son-in-law received a threatening call from this petitioner that his wife was with him. The allegation is that petitioner has threatened that he has taken away his wife for marriage and threatened the family members not to lodge the case.

Petitioner's counsel submits that entire allegation is false. The victim is said to be missing since 16.12.2018. Threatening call was received on 29.12.2018. First Information Report, however, has been lodged on 02.01.2019. In the investigation also, the statement of family members have cast a suspicion regarding the victim fleeing away. Surprisingly, the statement of victim's husband has never been recorded. Statement of the victim recorded under Section 164 of Criminal Procedure Code does not inspire any confidence as she alleges that after being taken away by the petitioner, she was taken to her "*Maike*" and how she has finally managed to flee away from the captivity of the petitioner is also not apparent from the said statement. The petitioner has falsely been implicated in this case under pressure. He has no criminal antecedent and is in custody since 11.12.2019.



Learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali PS Case No 1 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.

(Madhuresh Prasad, J)

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