

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18157 of 2020

Arising Out of PS. Case No.-301 Year-2019 Thana- CHHATAPUR District- Supaul

MD. BADRUDDIN Son of Late Mohd Jiyauddi Resident of Village - Puraini,
P.S.- Srinagar, District- Madhepura

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-06-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the 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.

Petitioner seeks bail in Chhatapur PS Case No. 301 of 2019 registered under Sections 366A and 120B/34 of the IPC.

The FIR has been lodged against five named accused persons and some unknown persons. The petitioner is not named in the FIR. 15 years old minor sister of the informant is alleged to have become traceless, after she left the home. It is in these circumstances that the FIR has been lodged. The girl has subsequently been recovered on 17.12.2019.

Learned Counsel for the petitioner submits that statement of the alleged victim girl has been recorded under Section 164 Cr.P.C. In her statement (Annexure 2) she has



disclosed her age to be 16 years, which is at variance with the allegations made in the FIR. The name of the petitioner has only been taken by the victim as being the person who provided the vehicle for taking the victim along with named accused Afghan with whom she had intimate relation. It is further submitted that from perusal of Annexure 2 it is apparent that the victim admits to be residing with the said co-accused Afghan for quite some time without any objection. The petitioner has no role in the crime nor has there any allegation been made that he has in any manner physically assaulted, molested or any way perpetrated physical assault upon the victim. The petitioner is in custody since 25.12.2019.

Learned APP has opposed the prayer for bail.

Considering the aforesaid submissions this Court is inclined to allow bail to the petitioner.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Supaul in Chhatapur PS Case No. 301 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.

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(Madhuresh Prasad, J)

