

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75649 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- PALASI District- Araria

1. MD. YUSUF @ YOUSUF Son of Sher Mohammad Resident of Village- Dahgama, P.S.- Sikti, District- Araria.
2. Md. Manowwar @ Md. Manowwar Alam Son of Mainuddin Resident of Village- Dahgama, P.S.- Sikti, District- Araria.
3. Md. Tabrej S/o Sarfuddin Resident of Village- Parariya, P.S.- Sikti, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar

For the State Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 364, 372 and 379/34 of the Indian Penal Code, registered in connection with Palasi P.S. Case No. 114 of 2019.

3. It is submitted that the petitioners have been falsely implicated in a complaint-based FIR in connection with the alleged kidnapping of the informant's daughter. It is submitted that about two months prior to the present complaint, another FIR being Palasi P.S.Case No. 65 of 2019 had been filed by the



complainant/informant under Sections 363 and 366(A) of IPC in which, upon recovery, the statement of the so-called victim girl was recorded under Section 164 Cr. P.C. She has claimed to be 19 years of age and has stated that she had voluntarily accompanied Gulam Nabi with whom she was in love and wanted to marry, but her parents were opposed to it and as such, she left home on 12.02.2019 and eloped with Gulam Nabi. She has categorically denied having been kidnapped. The petitioner no.1 is father of the said Gulam Nabi while petitioner nos. 2 and 3 are friends of Gulam Nabi. There is delay in filing of the complaint on 08.04.2019 for the alleged occurrence of 04.04.2019 and the present FIR has been instituted on 18.04.2019. Except the aforesaid Palasi P.S. Case No. 65 of 2019 in which petitioner no.1 has been made accused, all the petitioners claim clean antecedents.

4. Learned APP appears and has been heard, but however no specific material has been pointed out against the petitioners from the case diary.

5. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/-(ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Palasi P.S. Case No. 114 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners 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 reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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