

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79730 of 2019

Arising Out of PS. Case No.-204 Year-2019 Thana- TEKARI District- Gaya

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Kalam Ansari @ Md. Kalam Son of Md. Aslam Ansari, Resident of Village-
Rikabganj, P.S.- Tekari (Tikari), District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-01-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with Tikari P.S. Case No. 204 of 2019 registered for the offences punishable under Sections 364(A), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner had committed no offence and has falsely been implicated in the present case. It is further submitted that the petitioner is not named accused in the FIR. The victim boy has been recovered same day within one hour and in his statement made before police he has named the co-accused Oshama. The role of the petitioner is nothing but only that he was member of that group. The petitioner is in custody since 23.06.2019 having



no criminal antecedent.

Learned APP for the State has opposed the prayer of regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the victim boy has been recovered same day within one hour and in his statement made before police he has named the co-accused Oshama as the person who had allured him and had taken towards motorcycle where two persons were already standing thereon and then he was taken on the said motorcycle but the said motorcycle met an accident and thereafter the boy was left and then he met his uncle, the further submission that the manner in which the name of this petitioner has been involved in this case without there being any identification of the petitioner by the victim boy and the petitioner has remained in custody since 23.06.2019, there being no criminal antecedent of the petitioner, let the petitioner above named be released on bail in connection with Tikari P.S. Case No. 204 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Gaya, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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