

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6654 of 2020

Arising Out of PS. Case No.-423 Year-2018 Thana- RANIGANJ District- Araria

1. MD. SOUFI @ MD. SAUFI @ SOUFI @ MD. SOFI Son of Late Pakharu
2. Md. Ahmad @ Ahmad Son of Late Pakharu
Both Residents of Village- Durgapur, P.S.- Bounsi, Distt- Araria.
3. Nizam @ Md. Nizam Son of Tasowar Resident of Village- Dumariya, , P.S.-
Raniganj, Dist- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 20-10-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 364 of the Indian Penal Code.

The case of prosecution in brief is that the petitioner no.1 and petitioner no.3 are relative of informant On 29.05.2018, MD. Soufi (petitioner no.1) and Nizam (petitioner no.3) took informant's son Ghalib with them by a bike. The bike was of accused Md. Ahamad (petitioner no.2). When the informant's son did not return, the informant went to the house of Md. Soufi, who is his Samadhi, and inquired about the



whereabouts of his son, then the accused persons got enraged and abused the informant and also drove away the informant from the house. Informant suspected that the accused persons have abducted his son and murdered him.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It is further submitted that the informant has himself sent his son to Delhi and has cooked up a concocted story of kidnapping of his son by the petitioners only to harass them as the informant has always been aware of whereabouts of his son. It is further submitted that the present case is a counter case lodged by the informant after the daughter of the petitioner no.1 who is wife of one of the sons of the informant has instituted a complaint case No.1173-C/2018 for offence under Section 498A of the Indian Penal Code against her husband and her in-laws. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is



pending in connection with Raniganj P.S. Case No.423/18
subject to the condition as laid down under Section 438(2) of
the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the court
concerned.

(2) Petitioners shall co-operate in the trial and shall be
present on each and every date fixed by the court and their
absence on two consecutive dates without proper and reasonable
reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

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