

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22733 of 2021**

Arising Out of PS. Case No.-501 Year-2019 Thana- PHULPARAS District- Madhubani

MD. ABID Son of Md. Moti Nadaf @ Md. Motiur Rahman Resident of Village - Gunakarpur, P.S.- Narhanaur, District - Madhubani. At present resident of village - Dwaram, Ward No. 2, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar No.2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Phulparas P.S. Case No.501/2019 registered for the offences punishable under Sections 363 and 366A of the I.P.C.

As per the prosecution story, on 09.12.2019 at about 2.00 am in the night two boys came on a motorcycle at the house of the informant and took away his minor daughter aged

about 14 years on the motorcycle. The informant claims that when he enquired about it, he came to know that the co-accused Ms.Ishrail, this petitioner and co-accused Md. Shamshad were involved in kidnapping of the minor daughter of the informant.

Learned counsel for the petitioner submits that the victim girl has come back and in her 164 Cr.P.C. statement she has though supported the allegation of kidnapping but she had not alleged any sexual act or any attempt to commit any sexual act by the petitioner.

It is submitted that taking note of the statement under Section 164 Cr.P.C. of the victim girl, the co-accused Md.Ishrail and Md. Shamshad have been granted bail by learned coordinate Benches of this Court in Cr.Misc.No.16630/2020 and Cr.Misc.No.18120/2020 respectively.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but it is not denied that the petitioner is similarly situated with co-accused who have been granted privilege of bail and there is no distinctive material against him.

Having regard to the facts and circumstances of the case in which this petitioner seems to be similarly situated with the co-accused who have been granted bail by learned

coordinate Benches of this Court, the petitioner has otherwise no criminal and has remained in custody since 05.01.2021, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No.501/2019, subject to the condition under Section 437(3) Cr.P.C. and further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.