

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25781 of 2021**

Arising Out of PS. Case No.-14 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

Jubair Hashmi @ Jubail Hashmi @ Jubair Hajmi Son of Ekbal Hashmi
Resident of Village- Bharani Kala, Police Station- Chand, District- Kaimur
(Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 22-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chand P.S. Case No. 14 of 2019 instituted for the offences under
Sections 363 and 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 28.01.2021, charge-sheet has been
submitted in the case and is a person with clean antecedent

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the occurrence is of 02.02.2019 and the F.I.R.
came to be instituted on 04.02.2019 i.e. after a delay of two days
without any explanation.



Learned counsel for the petitioner submits that the informant is a student of Class IX and had gone to *khalihan* on the fateful day to bring straw when Atul Kumar caught hold of her with the assistance of Jubair Hashmi (petitioner), who was standing with motorcycle, by administering her some intoxicant. Further, that the victim was taken away on motorcycle and the petitioner later on left the motorcycle and Atul Kumar took her to another place.

Learned counsel for the petitioner submits that later in her statement under Section 164 Cr.P.C. the victim has stated that she came alongwith Atul. He further submits that both the victim and Atul Kumar were in love as a result of which she had fled away from her home and the informant was aware of the same as such for two days he did not institute the F.I.R. as was awaiting for his daughter to return. Learned counsel submits that Atul Kumar has been granted bail on account of juvenility and co-accused Om Prakash Ram and Ishwar Ram has been granted bail by this Court vide order dated 24.04.2019 in Cr. Misc. No. 26794 of 2019.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody



since 28.01.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua in connection with Chand P.S. Case No. 14 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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