

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27245 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- BARGAINIA District- Sitamarhi

Md Azharuddin Ansari @ Md Azharuddin S/O- Mainuddin Ansari Resident of village - Tila Toli Rampur Chauraha, P.S. - Rampur Karkhana, District - Deoriya @ Devariya (Uttar Pradesh).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-09-2021 This matter is taken up for consideration through Video Conferencing.

Heard both parties.

The petitioner seeks bail in Bairstania P.S. Case No. 193 of 2020, registered for the offence punishable under Sections 364, 364(A), 365 of the Indian Penal Code. Later on, section 302 of the IPC was added.

As per the prosecution case, FIR has been registered against unknown for the kidnapping of the son of informant.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. There is no eye-witness of the occurrence. During course of investigation, name of this petitioner has come in this case on the basis of confessional



statement of co-accused Anil Kumar before the police which has got no evidentiary value. Save and except confessional statement of co-accused Anil Kumar, there is no material against this petitioner which shows his complicity in the aforesaid crime. Petitioner claims clean antecedent and he is in custody since 06.12.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate I/c, Sitamarhi in connection with Bairgania P.S. Case No. 193 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers 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 petitioner.

(Prabhat Kumar Singh, J)

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