

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22743 of 2020

Arising Out of PS. Case No.-1018 Year-2019 Thana- ARARIA District- Araria

Md. Gufran, aged about 25 years, Gender-Male, Son of Late Dawood
Resident of Village - Bochi, Ward No. 04, P.S. Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Araria P.S. Case No. 1018 of 2019 registered for offences under sections 363/366 of the Indian Penal Code.

As per allegation made in the written report of the Informant (victim girl), namely, Nida Khatoon, the present petitioner along with the co-accused, forcibly lifted her and boarded in the vehicle. Later on, they gagged her mouth by putting cloth in the mouth and, in the way, the accused persons were speaking that they will not allow her marriage to be solemnized at the fixed place and Md. Rizwan @ Ramjan was speaking that he will forcibly enter into marriage with her, if she will not enter into marriage with him then they will kill her.



Thereafter, by playing a trick, she managed to inform about her kidnapping to her parents whereafter they got released her from them.

Learned counsel for the petitioner submits that in the statement of the victim girl made under Section 164 of the Cr.P.C., she has stated that it is not Rizjwan rather it was Md. Usman who was making a statement that he will enter into marriage. Learned counsel for the petitioner has further submits that Md. Usman has already been granted bail by co-ordinate Bench of this Court vide order dated 28.5.2020 passed in Cr.Misc. No. 6494 of 2020 and the petitioner is languishing in judicial custody since 31.3.2020.

Looking to the entire facts and circumstances of the case as also considering the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 1018 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below



will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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