

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39251 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- SAKRA District- Muzaffarpur

Md Sakir @ Hasmat @ Hasmat Ansari, son of Hasim Ansari, Resident of
Village- Manoharpatti, P.S. Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 09-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sakra P.S.
Case No.01 of 2020 registered for the offence punishable under
Sections 363 and 366 of the Indian Penal Code.

The allegation against the petitioner is that the
daughter of the informant has been kidnapped with an intent to
sell her.

This Court had earlier called for the case diary. On
going through the same, the parties have made submissions. In
course of investigation, material has come regarding the alleged
victim voluntarily going away from the home on being irritated
after scolding in the house and there is no medical examination
of the alleged victim. In the circumstances, Counsel for the



petitioner submits that it is a case of false implication. He has no criminal antecedents and is in custody since 18.01.2020.

Mr. Mukeshwar Dayal, learned APP for the State has opposed the prayer for bail. However, in view of the material in the case diary, he is not in a position to dispute the findings of the Investigating Officer to this extent.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the court of learned Sub-Judge-XIII-cum-ACJM-IV, Muzaffarpur, in connection with Sakra P.S. Case No.01 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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