

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38786 of 2020**

Arising Out of PS. Case No.-143 Year-2019 Thana- PIYAR District- Muzaffarpur

NOOR ALAM @ NOORAIN Son of Md. Aslam @ Aslam Resident of
Village - Ladaura, P.S.- Kalyanpur, District – Samastipur. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

4 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil Prasad Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pear P.S. Case No. 143 of 2019 registered for the offences punishable under Section 366/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the daughter of the informant went for college on 24.06.2019 but did not return. On this the informant raised suspicion that the FIR named persons kidnapped her daughter for grabbing her property.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on mere suspicion. It is submitted that there is delay of almost



one year in lodging of the FIR. It is further submitted that the victim girl is a major and had gone with the petitioner on her own volition. The petitioner is in custody since 04.10.2019 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the victim girl who happens to be the sister-in-law of the elder brother of this petitioner is aged about 20 years, she left her house on 24.06.2019 but did not return thereafter, no FIR was lodged by the father of the victim girl for almost one month 8 days, the father raised a suspicion that she has been kidnapped by this petitioner with an intention to marry her, the submission being that there is a huge delay in lodging of the FIR and the victim is a major girl are the circumstances showing that she had left her house and gone with the petitioner on her own volition and for that reason no FIR was lodged against this petitioner, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 04.10.2019, investigation against him is complete but the trial is not likely to take place in near future, considering the totality of the facts, this Court is inclined to release the petitioner on bail.

Let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five



Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur in connection with Pear P.S. Case No. 143 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

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(Rajeev Ranjan Prasad, J)

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'.

