

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38975 of 2020**

Arising Out of PS. Case No.-218 Year-2019 Thana- GOGRI District- Khagaria

MD EBRAN @ MD EMRAN son of Md. Nasir Sah Resident of Village- Ram
Nagar, P.S.- Pipra, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Yogendra Kumar, Advocate
For the Informant	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-07-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Gogri P.S. Case No. 218 of 2019 registered
for the offences punishable under Section 366/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report. The
victim ladies are mother of 4 & 3 children respectively. They
returned home on their own and from the statements recorded
under Section 164 Cr. P.C. it would appear that there are huge
inconsistencies in their statements with regard to the alleged
abduction.

Learned counsel further submits that learned Sessions



Judge while passing the impugned order had also noticed the inconsistencies in the statements of the victim and has observed that those inconsistencies in the statement of the victim has not been explained by learned lawyer for the informant and learned A.P.P. as also by the Investigating Officer.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case and the fact that the victim ladies are mothers of 4 & 3 children respectively and they are aged about 30 years, they have come back and have made inconsistent statement, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria, in connection with Gogri P.S. Case No. 218 of 2019, subject to the condition 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 he is suspected, and



(c) that such person shall not directly or indirectly make any 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

