

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.831 of 2021

Arising Out of PS. Case No.-439 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

-
1. MD. IMTIYAZ @ MINTU S/o Md. Qeyam @ Md. Queyam Resident of Vill.- Hardiya, P.S.- Muffasil, Distt.- Begusarai.
 2. MD. SHAHNAWAZ @ SHAHNAWAZ S/o Md. Qeyam @ Md. Queyam Resident of Vill.- Hardiya, P.S.- Muffasil, Distt.- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, APP

For the Opposite Party/s : Ms. Suman Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-03-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

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

Petitioners seek bail in Muffasil PS Case No. 439 of 2020 registered under Sections 365, 366A, 120B and 34 of the IPC.

Daughter of the informant aged about 15 years had allegedly gone to her grand-mother's house. The petitioners and co-accused Md. Faiyaz @ Chhotu, Masida @ Maso Khatoon and Musrrat Khatoon have allegedly kidnapped her for the purpose of selling her off.

Learned Counsel for the petitioners submits that co-accused Md. Faiyaz and Masida have been allowed bail by the coordinate Bench of this Court taking into consideration entire facts and including statement of the victim recorded under Section 164 Cr.P.C.



that her friend one Raunak had locked her in her house where the petitioners and other accused persons were present. Kidnapping therefore has not been supported against the petitioners in the statement of the victim recorded under Section 164 Cr.P.C. In the investigation the prosecution case has been falsified wherein the witnesses have stated that the victim was having intimate relation with the petitioners. Family members of the victim had earlier been objecting to the intimate relation with the petitioners and therefore the victim had gone to the house of her friend Raunak where she had concealed herself. The informant's daughter was taken to Sadar Hospital for medical examination but she refused to subject herself to such examination. The petitioners having no criminal antecedent are in custody since 2.9.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Begusarai in Muffasil PS Case No. 439 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.

SNkumar/-

U		T	
---	--	---	--

(Madhuresh Prasad, J)

