

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10650 of 2022

Arising Out of PS. Case No.-1072 Year-2021 Thana- ARARIA District- Araria

Md. Israr @ Israr Son Of Late Izhar @ Izhar Hussain R/O Village-
Madhopara Ward No.- 04, P.S.- Araria (Baigachhi), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Md. Ziaul Quamar, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons including the petitioner are alleged to have abducted the minor daughter (victim) of the informant for the purpose of marriage.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that there is land dispute between the parties and due to that reason the petitioner has been falsely implicated in the present case. He further submits that the victim girl was recovered and her statement under Section 164 of the Cr.P.C. was recorded in which she has not supported the prosecution story and she also refused for medical examination and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.12.2021.

Learned counsel appearing on behalf of the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Araria (Bairgachhi) P.S. Case No. 1072 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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