

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12516 of 2022

Arising Out of PS. Case No.-95 Year-2020 Thana- SIKARPUR District- West Champaran

Noor Alam Mian Son of Manib Mian R/O Village- Judge Mian Ka Tola, P.S.- Shikarpur, District- West Champaran, At Present Mohalla- Compal Road Behind Ekghon School Near Nala- P.S.- Thakurganj, District- Lucknow, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gauri Shankar Thakur, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Rakesh Ranjan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Shikarpur P.S. Case No. 95 of 2020 registered for the offence under Sections 364 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 28.10.2021.

The allegation against the petitioner is to kidnap his wife, living in her matrimonial house at parental village of the petitioner, in order to commit murder.

Learned counsel appearing on behalf of the petitioner



submitted that from bare perusal of the F.I.R., it appears that the petitioner was living separately at Lucknow, since last so many years, doing business thereof. It is submitted that the entire allegation is based upon suspicion, as petitioner solemnized second marriage, where by way of compromise and understanding, victim/wife was allowed to live at parental village of the petitioner. It is also submitted that the date of occurrence is 01.12.2019 on which victim/wife went out of home on pretext of visiting Court, as per F.I.R., is appearing non-convincing, as the date falls on Sunday, when Court remains out of business. It is further submitted that informant is not the eye witness of the occurrence and entire allegation is based upon suspicion due to strained relations of petitioner, with the victim/wife. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that petitioner was living separately with the victim/wife since long back from the date of occurrence at Lucknow, as per F.I.R.



In view of the facts and circumstances, as mentioned above, as the petitioner, who is none but the husband of the victim, appears to live separately prior to the occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shikarpur P.S. Case No. 95 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Aliraj Miyan, who is the cousin uncle of the petitioner and deponent of the present



bail petition.

(iii) That if the petitioner tampers with the evidence or witnesses in any manner, in that event, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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