

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15363 of 2022

Arising Out of PS. Case No.-400 Year-2021 Thana- BALIYA District- Begusarai

Md. Istiyaque @ Md. Sarbar, Son of Md. Ashfaque @ Asphak Resident of
Village - Barbigi, Salehchak, P.S. - Ballia, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Ballia P.S. Case No. 400 of 2021, for the offence punishable
under Sections 363, 365 and 498 of the Indian Penal Code.

The prosecution story, in brief, is that the informant's
daughter was married with one Manish Yadav and on
27.11.2021, who got missing and did not return till 01.12.2021.

Learned counsel appearing on behalf of the petitioner
submits that the daughter of the informant had herself gone to
the house of her Mausi along with her cousin maternal uncle
and thereafter, she had returned back on 01.12.2021 on her own.



She in her statement recorded under Section 164 Cr.P.C. before the Court below has stated that she is residing along with her mother and father and had denied that the petitioner had assaulted her physically or sexually. The petitioner is in custody since 01.01.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the nature of allegation made in the F.I.R. as well as the statement recorded under Section 164 of the Cr.P.C. no specific allegation has been made against the petitioner. The victim has voluntarily stated she had gone to the house of her Mausi along with her maternal uncle and thereafter she returned back to her house on 27.12.2021 and at present she is living with her mother and father. Prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 400 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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