

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27481 of 2021

Arising Out of PS. Case No.-479 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

MD. PARVEJ @ PARVEZ ALAM S/O RAJAK MIYAN R/o village- Jamala,
P.S.- Motihari Mufassil, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar,Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-01-2022 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 and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Motihari Town P.S.Case No.479 of 2019 registered for the offence under Sections 363,365,370 and 366(A)/34 of the Indian Penal Code.

The prosecution case, in short, is that the daughter, namely, Anchal and Payal aged about 13 years and 11 years, of the informant, have been kidnapped by the accused persons at 09.00 A.M. on 08.07.2019 when they were going to school by a four wheeler near Chitragupt temple. During search, one



Santosh Kumar has said to him that Parvej and another were going behind his daughters, the informant then went to the house of the petitioner where the parents of Parvej had assured them that in the morning his daughters will come back, but when they did not come he again went there in the morning of 09.07.2019 where mother of co-accused Mohit informed him that they have taken his daughters at Delhi to the uncle (Fuffa) of Mohit, on this information the bother-in-law of the informant, who was at Delhi, went to the house of Mohit's uncle and brought the girls with him at his place at Bagha, on 10.07.2019 he brought his daughters from there. He alleges that his daughters told him that Parvej, Mohit, Munna and other took them to Raxaul for selling where they were given chowmien and after eating that they lost consciousness then they were taken to Delhi by train where they went to the house of Mohit's uncle and from there they came with their uncle (fuffa).

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that there is general and omnibus allegation against all the accused persons. He further submits that there is no specific allegation against the petitioner. He further submits that co-accused, namely, Rajjak



Miya, Tabrez Alam and Kamrul Nesha have been granted privilege of anticipatory bail vide order dated 13.12.2019 in Cr. Misc. No. 74407 of 2019 by a Coordinate Bench of this Hon'ble Court. Petitioner is in custody since 13.01.2021.

Vide order dated 24.11.2021, a report was called for with regard to the stage of the trial. The report reveals that the case is pending for prosecution evidence and there is total five witnesses including the informant in this case which are yet to be examined.

Learned A.P.P. for the State, on the basis of the material available on the record as well as case diary, has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No.479 of 2019 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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