

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21227 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Md. Chhotu @ Md. Taslim Son Of Md. Juber Ansari @ Md. Mungeri
Resident Of Village - Chaknavada, P.S.- Dalsing Sarai In The Distt. Of
Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam,APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ranjeet Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Dalsingh Sarai P.S. Case No. 03 of 2022
for the offences punishable under Sections 366A, 379, 34
of the Indian Penal Code.

The prosecution case is based on a written report
filed by the informant alleging therein that on 05.01.2021 at
about 5.am, while the informant was sleeping with the



children, in the meantime, co-accused Md. Alam called her daughter and taken away on his motorcycle. It is further alleged that at that point of time accused Md. Azam, wife of Md. Azam, Md. Pinku, Md. Rinku and Md. Choty were also assisting Md. Alam. The informant also came to know that this petitioner was the person, who had given the mobile sim card to the daughter of the informant, two days ago from the occurrence. It is alleged that the informant also disclosed that ornaments of Rs. 10,000 and cash of Rs. 1 lac was also found missing.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the victim voluntarily left her house along with Md. Azam after taking Rs. 1 lac and ornaments worth Rs. 10,000/-. He further submits that save and except the allegation that 2-3 days prior to the alleged occurrence, the petitioner had handed over sim-card to the victim, there is no other allegation against him. He next submits that there was love affair between co-accused Md. Alam and daughter of the informant and both of them fled away and did not return till date and the petitioner has no concern with both of them. However, only



on account of he being neighbour of the victim girl his name has been implicated in this case on suspicion. He lastly submits that the petitioner having fair antecedent is in custody since 06.01.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that the victim has still traceless and the complicity of the petitioner cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation as also the period of incarceration and fair antecedent of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-VI cum Special Judge, Samastipur in connection with Dalsing Sarai P.S.Case No. 03 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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