

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23033 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

MD. USMAN SON OF MD. JALIL R/O VILLAGE- CHAUPAR BHARAT,
P.S.- BOCHAHA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Kumar Paswan
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Petitioner seeks regular bail in Bochaha P.S Case No. 372 of 2021 registered for the offences punishable under Sections 363, 366A and 120B of the Indian Penal Code.

As per allegation the informant minor daughter Sanjana Kumari aged about 15 years was kidnapped by this petitioner and co-accused persons.

The main submissions advanced by Sri Prem Kumar Paswan, the learned counsel appearing for the petitioner are that petitioner has been languishing in jail since 22.12.2021, in the FIR against him, there is no specific allegation and so-called victim has been recovered and her statement under section 164 Cr.P.C was recorded in which she did not make any allegation against the



petitioner and petitioner has clean antecedent.

Sri Ashok Kumar Singh, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the victim's statement recorded under section 164 Cr.P.C in which she stated nothing against the petitioner and he has been languishing in jail since 22.12.2021 having clean antecedent, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner 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 the Chief Judicial Magistrate, Muzaffarpur in Bochaha P.S Case No. 372 of 2021 on 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 below and shall remain physically present as directed by the Court below 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 witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account



of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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