

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23842 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- LAUKAHA District- Madhubani

1. Md. Salauddin Shekh @ Md. Sallauddin Shekh, S/o Late Nathuni Shekh, Resident of Village- Laukha, P.S.- Laukha, District- Madhubani.
2. Md. Aslam Mansuri, S/o Muslim Mansuri, Resident of Village- Laukha, P.S.- Laukha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ratnakar Jha, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor of the State

The petitioners seek regular bail, who are in custody in connection with Laukaha P.S. Case No. 262 of 2021 registered for the offences punishable under section 363, 366/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 07.08.2021 while the informant and his family members were sleeping, some of the persons in collusion of each other kidnapped the wife of the informant Sajda Khatoon. It is further



alleged that the informant came to know that the F.I.R named accused persons including the petitioners under a conspiracy kidnapped his wife and disappeared her.

Learned counsel appearing on behalf of the petitioners submits that the alleged occurrence is said to have taken place on 07.08.2021, however, the present F.I.R has been instituted after a delay of 4 days i.e. on 11.08.2021 without explaining the reason for the same. It is next submitted that the statement of the wife of the informant was recorded under section 164 of the Cr.P.C and she categorically stated that she voluntarily left her house along with Md. Arjuddin, as she was in love with him. She further stated that she has voluntarily solemnized marriage with him and has been residing at Mumbai. It is next submitted that the victim was a major. It is next submitted that save and except the suspicion raised by the informant about the complicity of the petitioner in the present case, there is no other material and both these petitioners are in custody since 13.08.2020 having fair antecedent.

On the other hand, learned counsel for the State oppose the bail application and submits that the petitioners are named in the F.I.R and during the course of investigation, the complicity of the petitioners have transpired.

Having regard to the submission made on behalf of



the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C, as also the period of custody of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur in connection with Laukaha P.S. Case No. 262 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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