

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43585 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- JOGBANI District- Araria

TABREJ @ MD. TABREJ, S/O ULFAT MIYAN @ HAFEEZ MIYA R/O
VILLAGE-KHAHURBARI, WARD NO.06, P.S-JOGBANI, DISTRICT-
ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-04-2022 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
Jogbani P.S. Case No. 76 of 2021, for the offence punishable
under Sections 363 and 366(A) of the Indian Penal Code.

The prosecution story, in brief, is that the petitioner
along with other accused persons named in the F.I.R. have
abducted the minor daughter of the informant.

Learned counsel appearing on behalf of the petitioner
submits that from the statement of the victim made under
Section 164 Cr.P.C. it would appear that no allegation of sexual
assault has been made against the petitioner, rather, on her own



the victim return after accompanying the petitioner on several places including the Nepal. He further submits that from the report submitted by the Medical Board, the age of the victim has been determined to be more than 18 years. The petitioner is in custody since 30.05.2021 without any fault and the trial is not likely to be concluded in near future. The petitioner has clean antecedent and as such he deserves to be enlarged on bail.

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 as well as from perusal of the statement under Section 164 Cr.P.C. and the age determined by the Medical Board in which victim has been found to be major, without going into the merits of the case, 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 A.C.J.M.-VI, Araria in connection with Jogbani P.S. Case No. 76 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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