

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50199 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- SAHPUR District- Bhojpur

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BILLAR KHAN @ MOSTAKIM @ MOSTAKIM MANSURI @ BILLAR
S/o Islam Mansuri @ Aslim Khan @ Islam Miyan Resident of Village - Rani
Sagar, P.S. - Shahpur, District - Bhojpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 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.

The petitioner seeks bail in a case registered for the offence under Sections 366A of the Indian Penal Code.

The prosecution case, in short, is that on 22.01.2021 at around 8.30 p.m. his daughter, namely, Kusum Kumari aged about 14 years went out from her house for defecation but she did not come back. It is further alleged that he has full faith that one Billar Khan (petitioner), who works along with him as Raj Mistri has enticed and took away his daughter with a view to get



married.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the prosecution has recorded the statement of victim girl under Section 164 Cr.P.C. in which she has stated that she knew the accused since one year and she went with the accused out of her own sweet will. It is further submitted that the police after investigation submitted charge sheet against the petitioner under Section 363, 366A and 376 of the Indian Penal Code. It is further submitted that the petitioner has no criminal antecedent and he is in custody since 19.02.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Court below where the case is pending in connection with Shahpur P.S. Case No. 37 of 2021 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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