

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39951 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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OSAMA ABID S/o Late Abid Anwar R/o Mohalla- Raja Bagicha Rafiganj,
P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Aurangabad Town P.S. Case No. 86 of 2022 registered for the

offences punishable under Sections 341, 323, 366A, 504, 34 of

the Indian Penal Code.

As per prosecution case, on 13.02.2022 the

informant's daughter cum victim went to purchase some

household articles but she did not return. After search the

informant came to know that petitioner is alleged to have

kidnapped his minor daughter for the purpose of marriage. It is



further alleged that petitioner and others collectively conspired and kidnapped his minor daughter.

Learned counsel for the petitioner submits that petitioner is in custody since 03.03.2022 and bears criminal antecedent of one case which is not similar to the present case. He further submits that petitioner is quite innocent and allegation made against him is totally false, frivolous and fabricated. He further submits that victim in her statement under Section 164 Cr.P.C. has categorically stated that she leaves her parental house with her own volition and petitioner did nothing wrong with her. He further submits that medical examination of the victim was done and her age was assessed 17-18 years. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, statement of victim under Section 164 Cr.P.C. in which she clearly denies any role of the petitioner in the alleged occurrence rather she claimed herself that she joined the company of the petitioner voluntarily, charge sheet has been submitted in the case and there is no likelihood of tampering



with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 86 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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