

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.49688 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- PALIGANJ District- Patna

Md. Golden Alam @ Md. Naushad Alam, S/O- Mohammad Mustak @ Mustak Ansari, Resident of Jama Masjid Road, Paliganj, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Paliganj P.S. Case No. 145 of 2021 for the offences punishable under Sections 365, 366A, 372, 420, 406, 120B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the accused Danish Alam instigated the informant for eloping with



him and on his allurement she fled with him after giving him Rs.3,85,000/- from her house. It is further alleged that accused Danish took her to Bikram from a tempo and handed over to Md. Golden Alam (petitioner), who brought her from Bikram to Patna and handed over to one Chitaranjan Kumar @ Munshi. It is further alleged that she was subjected to harassment and it is also alleged that accused Danish sold her to other person.

It is submitted on behalf of learned counsel for the petitioner that the petitioner is aged about 18 years and he has been working as a *helper* in the house of the informant. It is further submitted that except the allegation that he accompanied the informant from Bikram to Patna and handed over the victim to co-accused Chitrarnajan Kumar @ Munshi, there is no material against this petitioner and since he was working as a helper in the house of informant, he had accompanied the informant on her dictate. It is next submitted that the petitioner has no criminal antecedent and he is in custody since 19.04.2021, apart from the fact that nothing has come during the course of investigation, which suggest the complicity of this petitioner in the present case. It is lastly submitted that the investigation has been concluded and charge-sheet has also been submitted in the present case.



On the other hand, learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner had accompanied the informant.

Having considered the submissions made on behalf of the petitioner as well as the State and taking into consideration this fact that except the allegation that this petitioner accompanied with the informant from Bikram to Patna, there is no material and he is in custody since 19.04.2021 having no criminal antecedent and moreover, the investigation has been concluded and charge-sheet has also been submitted in the present case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Danapur in connection with Paliganj P.S. Case No. 145 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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