

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50809 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Md. Shakil S/O Mustafa R/o village- Mahesbathan, P.S.- Routa, District-
Purnea

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 365/34 of the Indian Penal
Code.

According to prosecution case, the son of the
informant is alleged to have been abducted by the accused
persons.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 09.03.2021 and the present F.I.R. instituted on 12.03.2021 after delay of three days without any explanation of delay. He further submits that there is no eye witness of the alleged occurrence and on the basis of suspicion the petitioner has been falsely been implicated in the present case and during investigation nothing has come against the petitioner. The petitioner is in custody since 04.07.2021.

The learned counsel for the Informant and learned Additional Public Prosecutor has vehemently opposed the prayer for bail and submits that the petitioner and other accused persons have threatened the victim.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Kochadhaman P.S. Case No. 70 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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