

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42437 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- TARIYANI CHAPRA PS District-
Sheohar

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Md. Kalam Son of Md. Safique R/o Purani Gharari Turki, P.S- Minapur, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-11-2022 Learned counsel for the petitioner submits that due to inadvertence, the period of custody could not be mentioned in the petition. Learned counsel seeks permission to remove the defect in course of the day.

Permission granted to remove the defect in course of the day.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Tariyani Chhapra P.S. Case No. 76 of 2021 lodged under Sections 363, 370 of the I.P.C.

As per the prosecution case, the allegation of kidnapping is there against the petitioner with a view to take work from the child.

Learned counsel for the petitioner submits that petitioner is a man of clean antecedent and has committed no offence. His antecedent is clean and is in custody since 30.05.2022. learned counsel for the petitioner submits that charge sheet has already been filed and he is ready to fulfill all the conditions whatsoever shall be imposed upon him

Learned counsel for the State opposes the prayer for bail and submits that upon recovery, the alleged victim has narrated his statement under Section 164 of Cr.P.C. in which he has been stated that the petitioner is a co-villager and offered him a service at Muzaffarpur. He has taken Rs.2000/- and kept the alleged victim there. After one month, when the victim was weeping then a person has supported him and handed over the victim to his father. He submits that from the Statement of Section 164 of Cr.P.C., it transpires that offence of kidnapping is made out.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. The bail petition is hereby rejected.

Upon specific query, learned counsel for the petitioner submits that charge has not been framed in this case.

In this background, it is hereby directed to trial court to release the petitioner on bail 2 months after framing of charge imposing condition so that he may not evade his appearance during the trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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