

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53239 of 2021**

Arising Out of PS. Case No.-304 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Asfaque Bhat @ Md Asfaque Bhat Son of sMakbul Bhat Resident of Village -
Joker, P.S.- Azamnagar, Distt.- Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Rohina Khatoon W/o Amiruddin Bhat @ Dukkan Bhat Resident of Village -
Joker, P.O.- Palsa, P.S.- Azamnagar, Distt.- Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr.Md. Musowir, Advocate
For the Opposite Party/s :		Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-04-2022 Heard Mr. N.K. Agrawal, the learned Senior Counsel

for the petitioner and Mr. Surendera Kumar, the learned APP for

the State.

The petitioner is an accused in connection with C.A
Case No. 304 of 2019 under sections 366 and 364 of the Indian
Penal Code.

As per the prosecution story, when the complainant
was not present in her house, her daughter was taken away by
the petitioner on a motorcycle which was immediately informed
to the police and when they failed to take steps, the complaint
was filed.

The learned Senior Counsel for the petitioner submits



that the petitioner has falsely been implicated in this case. There is land dispute between the parties (as stated in para-14 of the bail application) and he further submits that the informant has completely suppressed the fact that the complainant's daughter is already married since 2018 and a certificate to this effect from the concerned 'Mukhiya' has also been attached, (as stated in para-15 of the bail application). He further submits that the petitioner has already suffered and is in jail since 2.8.2021.

Considering the aforesaid facts and circumstances as also that the petitioner is in judicial custody since 2.8.2021; this Court is inclined to grant him relief with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-VI, Katihar, in connection with C.A. Case No. 304 of 2019 subject to the following conditions:-

(i) the learned Trial Court shall check the criminal antecedent of the petitioner and if it is found that he has suppressed the fact and does have criminal antecedent, this bail order shall become infructuous;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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