

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43386 of 2022

Arising Out of PS. Case No.-678 Year-2019 Thana- ARARIA District- Araria

Md. Tabrej @ Tabrej Son Of Majiuddin @ Majuddin R/O Village- Chirah,
Ward No.-03, P.S.- Jokihat (Mahalgaon), District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Araria (Bairgachhi) P.S. Case No. 678 of 2019 registered for the offence punishable under Section 366 of the Indian Penal Code.

As per the prosecution, the informant's daughter and grand-daughter were kidnapped by this petitioner along with other co-accused person.

The main submissions advanced by the learned counsel Mr. Nafisuzzoha for the petitioner are that the proper investigation in this case has not been held and it is the duty of



the police to recover the victims and the petitioner has been falsely dragged in this case on account of the statement made by co-accused Belal which was given in the panchayat meeting but the said statement was wrongly made in respect of the petitioner and the petitioner had no connection in respect of earlier incident of attempt to murder which had been attempted on the informant's daughter, so there was no reason for him to be involved in the alleged occurrence of this case of the victims. Further submission is that the petitioner has been languishing in jail since 23.05.2022 having clean antecedent.

Learned APP Md. Ataur Rahman appearing for the State as well as learned counsel for the informant have vehemently opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner is named in the FIR and the informant alleged that this petitioner and co-accused person abducted the victims and he further alleged that in the panchayat meeting the co-accused Belal made an admission about the victims being in the custody of the petitioner. As per the prosecution both the victims have still not been traced and as per the FIR one of the victims was earlier attacked with knife and on the day of the alleged occurrence she was returning from Court after attending the



case relating to the earlier incident. Considering these facts as well as nature of the allegation, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

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