

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54169 of 2021**

Arising Out of PS. Case No.-514 Year-2021 Thana- KUDHNI District- Muzaffarpur

MD. ASIK SON OF MD. ISLAM R/O VILLAGE- ARIJPUR, P.S.-
KUDHANI, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

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 connection with Kudhani
(Fakuli O.P.) P.S. Case No. 514 of 2021 registered for the
offences punishable under Sections 366, 366A of the IPC.

The prosecution case, in short, is that petitioner used
to teach the grand daughter of the informant and on 09.07.2021
at 10:00 AM, the petitioner with a view to marry her grand
daughter enticed and kidnapped her.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR itself that date of occurrence as mentioned in the FIR is 09.07.2021 and the present FIR has been instituted on 16.07.2021. It is further submitted that victim deposed before the learned Magistrate under Section 164 Cr.P.C. wherein she stated that petitioner has not kidnapped her nor misbehaved with her and she went with her own will. It is further submitted that charge sheet has been submitted against the petitioner. Petitioner is in custody since 17.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submission of parties, 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 Additional Chief Judicial Magistrate-1st, (West), Muzaffarpur in connection with Kudhani (Fakuli O.P.) P.S. Case No. 514 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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