

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56663 of 2021

Arising Out of PS. Case No.-267 Year-2021 Thana- BARAUNI District- Begusarai

Md. Naushad @ Naushad Son Of Md. Alam R/O Village- Malhipur, P.S.-
Barauni, (CHAKIYA O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63659 of 2021

Arising Out of PS. Case No.-267 Year-2021 Thana- BARAUNI District- Begusarai

1. MD. MURSHID
2. Md. Farooque
Both are S/o Md. Ali Hussain R/o Village - Malhipur, P.S. - Barauni (Chakia
O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63710 of 2021

Arising Out of PS. Case No.-267 Year-2021 Thana- BARAUNI District- Begusarai

MD. KHURSHID S/O MD. ALI HUSSAIN R/o village- Malhipur, P.S.-
Barauni (Chakia O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56663 of 2021)

For the Petitioner/s : Mr.Abul Kalam, Adv

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 63659 of 2021)

For the Petitioner/s : Mr.Yogesh Kumar, Adv

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 63710 of 2021)

For the Petitioner/s : Mr.Ashok Kumar, Adv



: Mr. Yogesh Kumar, Adv
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in these applications.

The petitioners seek bail in a case registered for the offence under Sections 366-A/34 of the Indian Penal Code.

The prosecution case, in short, is that informant Kiran Devi on 01.07.2021 lodged an FIR stating therein that the petitioners alongwith others on 27.06.2021 kidnapped her daughter from her home with intention to marry with her. It is also alleged in the FIR that she searched her daughter but all her efforts goes in vain.

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that as per allegation the accused persons (petitioners) have kidnapped the victim girl from her house. He further submits that there is doubt created because there is no family members to protest or raise against by it at the time of occurrence. He further submits



that during course of investigation no independent witness has come to support the prosecution version. He further submits that the statement of the girl was recorded under Section 164 Cr.P.C. in which she has categorically stated that the co-accused- namely, Arshad committed rape upon her. There is no allegation of sexual assault against the petitioners and the police, after investigation, submitted chargesheet against the petitioners and petitioner Md. Naushad @ Naushad, Md. Murshid and Md. Farooque are in custody since 02.07.2021 and petitioner Md. Khurshid is in custody since 21.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Barauni (Chakiya O.P.) Police Station Case No.267 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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