

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48586 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- SIKARPUR District- West Champaran

FAKRUDDIN MIAN @ FAKHRUDDIN ALAM S/o- Sagir Mian R/o
Village- Baswariya Deoraj, P.S.- Ram Nagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman,APP

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

2 30-11-2022 Learned counsel for the petitioner is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363,366(a)/34 of IPC and Sections 8/12 of POCSO Act.

The prosecution case, in short, is that on 13.01.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 15 years with wrong intention.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated



in the present case on the basis of suspicion. He further submits that the police, after investigation, submitted final form in favour of the petitioner and the learned court below differing with the final form has taken cognizance against the petitioner. Further submits that the statement of the victim under Sections 161 and 164 of Cr.P.C. was recorded in which she stated that no one had kidnapped her rather she had gone to Narkatiyaganj to her own sweet-will.

Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned court below where the case is pending in connection with Shikarpur P.S. Case No. 33 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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