

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58534 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- SURSAND District- Sitamarhi

Md. Mehfooz Rahman @ Md. Mehfooz S/O Zobaid Rahman @ Humairdur Rahman @ Homaidur Rahman R/o village- Chandpatti, Ward No. 13, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 372, 363, 366(A), 120(B)/34 of the Indian Penal Code.

According to prosecution case, one Sunita @ Sunita Devi wife of Subhadra Jha has filed an application before the officer-in-charge alleging therein that on 23.01.2021 her daughter namely Sneha Kumari aged about 16 years went to market for purchasing house hold article but she could not return then she got information that her daughter was seen



alongwith Md. Mahfooz Rahmad, Md. Mahboob Rahman and Jubair Rahman of village Chandpatti.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the victim girl was recovered in Delhi where her mother was also present, but her statement under Section 161 Cr.P.C. has not been recorded. He further submits that the victim girl has refused for medical examination and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl which was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has abducted the victim but fairly submits that it is true that the victim was refused for medical examination.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Sursand P.S.



Case No.37 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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