

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3182 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- SARAI District- Vaishali

Nasiruddin, S/o Late Md. Muslim R/o Mohalla- Rambagh Cahuri, P.S.-
Mithanpura, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Kumar Paswan, S/o Laxman Paswan R/o village- Matiyara Tok,
P.S.- Sarai, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Asif Kalim Mr. Anis Akhtor
For the Respondent/s	:	Mr. Sadanand Paswan
For the State	:	Mr. Surendra Kishore Thakur Ms. Priyam Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 21-12-2022 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 26.08.2022,
passed by the Ld. Special Judge-SC/ST, Vaishali at Hajipur,
arising out of Sarai P. S. Case No. 225 of 2022, whereby
bail has been denied to the appellant.

The prosecution case as emerging from the FIR is
that on 16.07.2022 at about 07.00 A.M., the daughter of
the informant, aged about 16 years, went for coaching, as



per daily routine, but she did not return. During search, he got information that his daughter was kidnapped by the accused-appellant and his associates and they took her away to Muzaffarpur. It is further alleged that the accused-appellant and his associates used abusive language by taking his caste name and also assaulted him.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no such occurrence as alleged. He also refers to the statement of alleged victim as recorded under Section 164 Cr.P.C., in which she has clearly stated that she had left the house on account of being angry with her parents. As such no case is made out against any of the accused-appellants and the prosecution is totally malicious. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

The appellant has been languishing in jail since 22.07.2022.

It is also stated in paragraph no. 2 of the appeal



that the appellant has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 26.08.2022, passed by the Ld. Ld. Special Judge-SC/ST, Vaishali at Hajipur, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge-SC/ST, Vaishali at Hajipur, in connection with Sarai P. S. Case No. 225 of 2022, on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence



or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the appellant.

The appeal stands allowed accordingly.

The learned counsel for the appellant is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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