

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67833 of 2021

Arising Out of PS. Case No.-378 Year-2021 Thana- SITAMARHI District- Sitamarhi

MD JAFAR Son of Md. Heera @ Heera Mistri Resident of Village - Gajipur,
Bhalahi, P.S.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 378 of 2021 registered for the offence under
Sections 363, 364(A), 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 28.06.2021.

The allegation against the petitioner is to kidnap the
daughter of the informant aged about 2 ½ years old.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of
confessional statement of co-accused, namely, Md. Salauddin. It



has further been submitted that recovery of daughter of the informant has not been made from the custody of the petitioner. It has been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that the investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as name of petitioner surfaced on the basis of confessional statement of the co-accused coupled with the fact that victim girl has not been recovered from the possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 378 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Afika Khatoon, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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