

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68391 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- KHIRHAR District- Madhubani

Md.Nizamuddin @ Md.Tahir Son of Jahir Hussain Resident of Village -
Jhitaki Ward No.7, P.S.- Khirhar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 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 363, 366(A)/34 of the Indian Penal Code.

According to prosecution case, informant Geeta Devi in brief is that her daughter Anjali Kumari aged about 15 years who was studying in 9th class went for tuition on 28.01.2021. When she did not return till evening she started looking for her. In this process one person told her that her daughter Anjali Kumari was going with Md. Soeb riding on motorcycle. Then the informant with her family members went to the house of Md. Soeb and told his father Md. Tahir and asked that where he



is. He said that his son has gone outside and when she told him that his son has kidnapped her daughter, Md. Tahir, Md. Tahir's wife Jumiya Khatoon, daughter of Md. Tahir started abusing and said that if Md. Soeb has taken her daughter away then he will marry her. She was threatened that if she files a case then she will be killed. She came back and narrated the incident to the villagers and neighbors. She was told by the people that Panchayat will be done and in this Panchayat Md. Tahir assured that her daughter will come back safely within two days.

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 in fact the son of the petitioner and victim girl was in love affairs and it appears from the F.I.R. that the son of the petitioner has kidnapped the minor girl. He further submits that the allegation of kidnapping is leveled against the sole accused Md. Soaib and not against this petitioner and petitioner is the father of Md. Soaib. The petitioner is in custody since 10.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Khirhar P.S. Case No. 7 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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