

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5737 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- JOKIHAT District- Araria

MD. AZAD @ AJAD S/O MD. AZIM Resident of Village- Karhara, Ward
No.- 11, P.S.- Jokihat (Mahalgao O.P.), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha

For the Opposite Party/s : Mr.Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-05-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Jokihat P.S. Case No. (Mahalgaon O.P.) P.S. Case No. 438
of 2022, registered for offence punishable under Sections 363,
366 (A) of the Indian Penal Code.

The learned counsel for the petitioner has submitted
that in her statement under Section 164 of the Code of Criminal
Procedure, the victim did not make allegation against the
petitioner of kidnapping. She has stated that it was co-accused
Md. Amaz, who kidnapped her after gagging her mouth. The
allegation against the petitioner, who is elder brother of Md.
Amaz, is that he forcibly solemnized Nikah of the victim with
his brother Md. Amaz. The victim has stated that she did not



want to live with co-accused Md. Amaz.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances as well as the period of detention i.e. since 30.08.2022, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. (Mahalgaon O.P.) P.S. Case No. 438 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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