

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21308 of 2023

Arising Out of PS. Case No.-108 Year-2009 Thana- KISHUNPUR District- Supaul

Md. Fakruddin Son of Md. Jebber Resident of Village - Bermotara, Ward No.-
02, P.S.- Balua Bazar, District - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Kishanpur P.S. Case No. 108 of 2009
registered for the offences punishable under Sections 366(A)/34
of the Indian Penal Code. He has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story since evening of 07.07.2009 the minor
daughter aged about 13-14 years of the informant was missing.
It is alleged that accused Shambhu Paswan, Puran Chander
Paswan and one unknown kidnapped the daughter of the
informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted that investigation against the petitioner was



kept pending for about 13 years and the main and named accused Shambhu Paswan has already been acquitted by the learned trial court on 31.05.2018 because neither the victim appeared nor the informant supported the prosecution case. It is also submitted that the petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR, the investigation against him was kept pending for about 13 years and the main and named accused Shambhu Paswan has already been acquitted by the learned trial court on 31.05.2018 for the reason that neither the victim appeared to support the prosecution in course of trial nor the informant supported the case, the petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO Act, Supaul in connection with Kishanpur P.S. Case No. 108 of 2009, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

