

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23579 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- BHEJA District- Madhubani

Md. Tanveer @ Jugnu son of Md. Jahid Village- Mahpatiya P.S- Bheja Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 24.10.2022, in connection with Bheja P.S. Case No. 75 of 2022, F.I.R. dated 24.08.2022 registered for the offences punishable under Sections 363, 366(A), 379, 511, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant's daughter had gone outside house to attend call of nature on 15.08.2022 at about 10:00 P.M. and when she did not return after considerable time then informant started searching but he did not find her. It is further alleged that jewellerys, Aadhar card and cash of Rs. 10,000/- was also found missing from the box of his daughter and later on he got knowledge that



the accused petitioner kidnapped his daughter for the purpose of marriage. It is further alleged that with the help of the villagers informant rescued his daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 15.08.2022 but the present F.I.R. was instituted on 24.08.2022 after delay of nine days afterthought only to falsely implicate the petitioner in the present case. He further submits that the statement of the victim under Section 164 of the Cr. P.C. was recorded in which she has not made any allegation of kidnapping or any sexual assault against the petitioner but she only stated that the petitioner has snatched the ornaments and rupees from the victim. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.10.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for



bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Bheja P.S. Case No. 75 of 2022, 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 witness, 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 antecedents, 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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