

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30050 of 2022**

Arising Out of PS. Case No.-455 Year-2021 Thana- JOKIHAT District- Araria

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Md. Afaque Alam Son Of Bhola R/O Village- Bagnagar, Ward No.- 05, P.S.-
Jokihat (MAHALGAON), District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Munish Kumar, Adv

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 11-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Jokihat P.S. Case No. 455 of 2021 registered under Section 364(A) and 120(B) of the Indian Penal Code.

There is an allegation that the informant's son, aged about 4 years, had been kidnapped.

Learned counsel for the petitioner submits that even the statement of victim, which has been recorded in the investigation, has alleged that it is co-accused Mantu @ Md. Sarwar Alam who has taken him away taking advantage of his acquaintance with the family and the child since before. The petitioner's name has emerged on suspicion that he along with other person, who was waiting on the



motorcycle. Under such circumstance, he is in custody since 07.01.2022. In the investigation, it has emerged that child was returned unharmed the very next date.

Learned APP has opposed the prayer for bail. It is submitted that Mantu @ Md. Sarwar Alam was known to the petitioner and they have hatched the conspiracy.

Considering the rival submissions as also the facts and circumstances of the case, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., District Araria/concenred Court in Jokihat P.S. Case No. 455 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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