

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32566 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MUNGER MUFFASIL District- Munger

MD. NAUSHAD, Son of Late Gulab Sah, Resident of Village-Mai
Sikandarpur, P.S. Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-02-2023 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 Muffasil P.S. Case No. 18 of 2022 registered under Sections 363, 365 and 366(A) of the Indian Penal Code.

The informant has alleged kidnapping of his daughter by six named accused persons, including the petitioner.

Learned counsel for the petitioner submits that it is a false case based on extraneous considerations, which is obvious from the fact that FIR has been lodged on 17.01.2022, whereas it is alleged that the daughter of the informant has been taken away on



15.01.2022. The petitioner has no antecedents and he is stated to be in custody since 17.02.2022. Investigation is complete. It is submitted that one co-accused Uttam Kumar has been allowed bail in *Cr. Misc. No. 60597 of 2022*. It is also stated that the statement of the victim recorded under Section 164 Cr.P.C. belies the allegation in the FIR.

Learned APP has assisted the Court with reference to FIR as well as statement of victim recorded under Section 164 Cr.P.C., from which it appears that the victim has been returned to the Jamui Police Station by the instant petitioner and co-accused Uttam Kumar, who has been allowed bail in *Cr. Misc. No. 60597 of 2022*.

Considering the submissions advanced on behalf of the petitioner, the statement of the victim recorded under Section 164 Cr.P.C., as also the fact that investigation is complete. This Court also having regard to the claim based on parity, is inclined to allow the petitioner's prayer for bail.

The consideration shall not be deemed to be an expression of the Court so as to affect the trial or any other proceedings.

Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Munger in Muffasil P.S. Case No. 18 of 2022, 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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