

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32699 of 2022

Arising Out of PS. Case No.-656 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

MD MUNNA S/o Late Md. Sultan Resident of Village- Khatopur, Ward
No.44, P.S.- Muffasil, (Lakho O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

7 04-04-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Muffasil P.S. Case No. 656 of 2019, registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

By filing the affidavit, the Deputy Superintendent of Police has mentioned that investigating authorities are taking steps to trace out the victim. In this respect, they have deployed spies. They have also affixed the photographs of the victim on conspicuous places. Despite their best efforts, the victim could not be searched as yet. The charge-sheet has been submitted against the petitioner, but for tracing out the victim, the supplementary investigation is still going on.



Informant Murshida Khatoon states in her written report that her son Md. Akhtar went with the petitioner to purchase goats, but he did not return. She expressed her suspicion that the petitioner had concealed her son.

Learned counsel for the petitioner has submitted that the independent witnesses in the case diary have stated that on earlier occasions also, Md. Munna used to go out of his house, and without any information, he remained out of station for months and fortnights and after that, he used to return to his house. This fact has been mentioned in the paragraph nos. 9 and 10 of the case diary. He has submitted further that the charge-sheet has been submitted against the petitioner and no motive has been assigned as to why should he kidnap the son of the informant. He has also submitted that there is no requirement of custodial interrogation from the petitioner and he is under custody since 23.03.2022.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 656 of 2019, subject to the following conditions:-



(i) The petitioner shall make himself available to the investigating authorities as and when required and if it is found that he is avoiding or evading his appearance before the investigating authorities, the learned court below shall pass appropriate orders.

(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.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

The physical appearance of DSP is dispensed with.

(Nawneet Kumar Pandey, J)

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