

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36721 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- KHUTAUNA District- Madhubani

MANOBAR AALAM @ MANOWAR ALAM @ MANOWAR HUSAIN Son
of Najmi Resident of Mohalla - Kusmar Sekh toil, P.s. - Khutauna, Distt. -
Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.04.2023 in connection with Khutauna (Madhubani) P.S.
Case No. 40 of 2023, F.I.R. dated 04.04.2023 registered for
the offence punishable under Sections 363 and 366 of IPC.

3. The prosecution case, in short, is that on
30.03.2023, petitioner is alleged to have kidnapped the married
daughter (the victim) of the informant aged about 20 years for
the purpose of marriage.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits
that the allegation as alleged in the FIR is false and fabricated
and the petitioner has not committed any offence as alleged in



the FIR. Further submits that the date of occurrence as alleged in the FIR is 30.03.2023 but the present FIR has been instituted on 04.04.2023 after delay of four days without giving any explanation of delay. Further submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has committed wrong with her but she has also refused for her medical examination and the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 05.04.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has fully supported the prosecution version.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur in connection with Khutauna (Madhubani) P.S. Case No. 40 of 2023, with the following



conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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