

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38731 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- BATHNAHA District- Sitamarhi

Md. Badrul Safi @ Moulwi Kamrul Baitha @ Badrul Hasan Son of Rasul Shaifi Present resident of Village-Sonma, P.S.-Bathnaha, District-Sitamarhi.
Permanent resident of Village-Basha, P.S.-Bathnaha, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohan Thakur, S/o Late Ram Lakhan Thakur, residence of Village-Sonma, P.S. Bathnaha, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, in short, is that on 09.03.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter of the informant for the purpose of illicit marriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedent 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 no concern at all with the alleged occurrence. He further submits that the petitioner is working as a Maulvi in Madarsa and resides in Masjid as a teacher. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she had gone with Mumtaz on her sweet will and perform the marriage with Mumtaz and she has not stated anything about the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Bathnaha P.S. Case No. 65 of 2022, with 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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