

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40516 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

ALI SHAH @ SUBHASH ALI SHAH @ SUBAHAN ALI Son of Shalim
Sah Resident of village - Lodipur, P.S. - Chainpur, Distt. - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Chainpur P.S. Case No. 63 of 2023 for the offence under Sections 341, 342, 354(B), 367 and 34 of the Indian Penal Code lodged on 14.03.2023 by the informant, Tannu Khatoon.

As per the prosecution story, the allegation is that three accused persons including this petitioner caught and took her on a motorcycle and as she tried to release herself, she fell down and received injury on her chin and was taken to hospital. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that although, she herself claims that they were already three persons on a motorcycle, it is unimaginable that she was also taken on the same motorcycle. Further, she claims to have got injury on



her chin, no injury report is on record. He do not have criminal antecedent and further, he will abide by all the terms and conditions, if released on bail and will not be seen anywhere near the girl or her family members.

Learned APP opposes the prayer stating that the allegation is of taking away the minor daughter.

Considering the submissions put forward by the learned counsel for the petitioner as also that there is no injury report on record, the petitioner do not have criminal antecedent and the undertaking is given by the petitioner that he will in no way have any contact with the girl, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Kaimur at Bhabhua, in connection with Chainpur P.S. Case No. 63 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

