

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39123 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- MADHAURAH District- Saran

NAWAL KISHORE SAH SON OF KRISHNA SAH R/O VILLAGE-
ASHOK PAKRI, P.S.- PIPRA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Marhowrah P.S. Case No. 222/2022 registered for the offences punishable under Sections 366A of the Indian Penal Code.

As per prosecution case, the informant's sister has been kidnapped by unknown person.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to previous enmity. FIR lodged against unknown and during course of investigation the name of petitioner surfaced in this case. The petitioner is languishing in custody since



13.04.2022 and bears no criminal antecedent. He further submits that the victim herself accompanied with the petitioner and she has explained reason as to why she has accompanied with the petitioner and there is no overt-act attributed against the petitioner, so far as the statement of victim recorded under Section 164 Cr.P.C. is concerned. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner has kidnapped the informant's sister.

Considering the facts and circumstances of the case, period of custody, statement of victim recorded under Section 164 Cr.P.C., it appears that no act of inducement was attributed against the petitioner, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 222/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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