

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40060 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

GUFRAN Son of Late Md. Salamuddin R/O Vill.- Chausa, P.S.- Buxar (M),
Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 365 of the Indian
Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.06.2022 and is a person with
clean antecedent.

The informant alleges that his son Saiyad Jaid aged
about five years went outside the house for playing but did not
return, thereafter, a hectic search was made but the child could
not be located, thus the informant alleged that some unknown
culprits might have kidnapped his son.

Leaned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in the present case, it is next submitted that the date of occurrence is 4.03.2022 and the FIR came to be instituted on 5.03.2022 against unknown and on 06.03.2022, the reinstatement of the informant was recorded wherein also he did not name the petitioner, it is next submitted three months thereafter when his subsequent reinstatement was recorded as would be evident from paragraph 44 of the Case Diary wherein the informant for the first time took the name of the petitioner stating that on account of land dispute at some point of time the petitioner had threatened that he will have to face consequences.

Learned counsel submits that it absolutely does not stand to reason that if what has been alleged by the petitioner in his subsequent reinstatement is true what prevented him from alleging the said fact in the FIR or in his reinstatement which was recorded on 06.03.2022, this amply demonstrates that by way of after thought the petitioner has been implicated.

Learned APP opposes the bail application but fairly submits that apart from suspicion nothing has come during the course of investigation which even remotely connect the petitioner with the offence.

Considering the fact that the petitioner is in custody, is



a person with clean antecedent and charge-sheet has been submitted in 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 the learned court below where the case is pending/successor court in connection with Buxar P.S. Case No. 87 of 2022.

(Satyavrat Verma, J)

GauravSinha/-

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