

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49717 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BATHNAHA District- Sitamarhi

MD. UMAIR MD. ANAM Resident of Village- Manjil Mobarak, P.S.-
Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 39 of 2022, registered for the
offences punishable under Sections 363 and 366 (A) of
Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 16.02.2022 at 04:00 P.M., informant's daughter
aged about 14 years, had gone to get photo-stat of her
admit card of matriculation at *Koari Chowk*, but till evening
she did not return. The informant searched her, but she
could not find her. During course of search, she came to know



that some unknown persons have kidnapped her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He refers to the statement of alleged victim as recorded under Section 164 Cr. P.C in which there is not even whisper in regard to involvement of the accused/petitioner. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 04.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional District and Sessions Judge-VI-cum-Special Judge (POCSO Act) Sitamarhi in connection with Bathnaha P.S. Case No. 39 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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