

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57419 of 2023

Arising Out of PS. Case No.-92 Year-2014 Thana- KANHHAULI District- Sitamarhi

Hazrat Rain @ Ali Hazarat @ Hajarat Rain, Son of Muslim Rain, Resident of
Village - Murlia Chak, Ward No.3, P.S. And District - Sitamarhi (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kanhauli P.S. Case No. 92 of 2014 registered for the offences punishable under Sections 363, 366 (A)/34 of the Indian Penal Code. He has got five criminal antecedent.

3. As per the prosecution story, on 10.09.2014 at about 01:00 P.M. the daughter of the informant had gone to Marpa Bazar but did not return after a while. When the informant searched for her daughter, she came to know that the FIR named accused persons along with this petitioner have forcibly taken her on motorcycle. The informant also got the information that her daughter has been kept at the house of this petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim girl has in her statement under Section 164 Cr.P.C. denied the allegation of kidnapping. It is further submitted that this petitioner was not sent up for trial by the police but was summoned by the learned trial court after differing with the police report.

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

6. Having regard to the facts and circumstances of the case wherein it is noticed that in this case the petitioner was not sent up for trial by police but differing with the police report the learned Special Judge (POSCO Act) has taken cognizance and summoned the petitioner, it is stated that the victim girl has in her statement under Section 164 Cr.P.C. denied the allegation of her kidnapping and at this stage two cases are pending against the petitioner in which he is on bail, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kanhauli P.S. Case No. 92 of 2014 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POSCO Act), Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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