

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52734 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- SAHARSA SADAR District- Saharsa

MD. ASHRAF @ MD. ASHRAF ALAM SON OF MD. IIIYASH @ MD.
ELIYAS RESIDENT OF VILLAGE- GAMHARIYA, WARD NO. 10, PS-
SOUR BAZAR (BAIJNATHPUR OP.), DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Saharsa Sadar P.S. Case No. 266 of 2023 registered under Sections 363, 366(A) and 504/34 of the Indian Penal Code lodged on 01.05.2023 by the informant, Md. Usman.

As per the prosecution story, the informant claims that in the morning informed his minor daughter missing and upon search, he was informed that the named accused including the petitioner are the reasons behind the missing. Accordingly, the FIR.

Learned counsel for the petitioner has taken this Court to paragraph-8 of the petition in which it has incorporated that



subsequently, the girl returned and made a statement under Section 164 of the Cr.P.C. stating that her family members used to torture her a lot and as such, she left to Patna without telling anyone from there, she went to Delhi and also incorporated that she did not go with anyone.

Learned APP for the State opposes the prayer for bail stating that the allegation against the petitioner is of kidnapping a minor girl.

Considering the statement made by the victim girl under Section 164 of the Cr.P.C. which the petitioner has been incorporated in its paragraph- 8, as stated above, he is in custody since 09.05.2023 (as stated in paragraph-10 of the petition) and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI cum Spl. Judge POCSO, Saharsa in connection with Saharsa Sadar P.S. Case No. 266 of 2023, 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 fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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