

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54060 of 2022

Arising Out of PS. Case No.-466 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MD MUMTAZ Son of Late Md. Chand Resident of Village - Choti Bazar,
Kanhauri, P.S.- Town, Makan No.2, Ward no.4, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtyunjay Kumar Mishra

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant
of regular bail in connection with Muzaffarpur, Town P.S. Case
No. 466 of 2019 registered under sections 364 and 365 of the
Indian Penal Code.

Allegation against the petitioner is that he kidnapped the
minor son aged about six months of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. For the
purpose of grabbing the property of the petitioner, he has falsely
been implicated in this present case. It is further submitted vide
para-47 of the case diary that the missing child of the informant
was recovered by the police. The child of the informant was not
recovered from the conscious possession of the petitioner and also



he was not apprehended at the time of recovery of the said child. It is next submitted that vide para-70 of the case diary, the informant himself apprehended the petitioner and handed over to the police. There is no consistent evidence against the petitioner and from the perusal of the progress report in respect of trial, not a single witness has been examined in this case. Petitioner has got no criminal antecedent. He is languishing in judicial custody since 01.10.2019.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Muzaffarpur, Town P.S. Case No. 466 of 2019 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 19th Additional Sessions Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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