

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57015 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

MD. RUSTAM Son of Md. Irfan Resident of Village- Kahalgaon Alampur,
P.S.-Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Industrial Area P.S. Case No.89 of 2021 instituted under
Section 366A/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that his minor daughter went missing and later it came to know
that she has been kidnapped by Md. Sameer with the full
support of his family members. Accordingly, the FIR was
lodged.

The victim girl subsequently returned and under
Section 164 of the Cr.P.C. she stated that she had gone to
Kolkata with Md. Sameer and later returned to Bhagalpur within
24 hours.

Learned counsel for the petitioner submits that he had



no role to play in the matter but has been dragged along with other co-accused, some of whom have already been extended the privilege of anticipatory bail vide Cr. Misc. No.12025 of 2022 (Annexure-4).

Considering the aforesaid facts as also that the girl has not named her, similar placed co-accused have been extended the privilege of anticipatory bail, this Court is inclined to extend the same relief of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Industrial Area P.S. Case No.89 of 2021 to the satisfaction of learned Exclusive Special Judge POCSO Act cum Additional District and Sessions Judge, VI, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the



police as and when required in course of investigation;

(iii) 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;

(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 the 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)

Prakash Narayan /-

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