

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64781 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- DIGHWARA District- Saran

Sikandar Alam S/O Sanny Alam @ Saiyad Ansari R/O Village- Saidpur,
Mohalla- Repura Chaudharanibagh, P.S- Dighwara, District- Saran at Chapra,
PIN- 841207

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Anand, Advocate
	:	Ms. Shweta Anand, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Dipak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 366(A) of the
Indian Penal Code.

According to prosecution case, the informant's
daughter was missing from Dighwara railway station from
23.07.2022. It is further alleged that the informant has confident
that her daughter has been kidnapped by the petitioner who
earlier used to disturb her daughter through mobile phone.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that the date of occurrence as alleged in the F.I.R. is 23.07.2022 but the present F.I.R. has been registered on 16.08.2022 i.e. after delay of 23 days without giving any explanation of delay. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that no one has abducted her and she has gone to Calcutta at her own will. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the and submits that it has come during investigation that there is involvement of petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending in connection with Dighwara
P.S. Case No. 272 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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