

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67181 of 2022**

Arising Out of PS. Case No.-106 Year-2021 Thana- PHULWARIA District- Begusarai

MD. TANWEER Son of Md. Shakil Resident of village - Phulwaria - 2, Ward
No.- 04, P.S.- Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.08.2022 in connection with Phulwaria P.S. Case
No.106/2021, F.I.R. dated 04.07.2021, for the offences
punishable under Sections 363 of the Indian Penal Code and
later on Section 366(A) of the Indian Penal Code was added.

According to prosecution case, the daughter of the
informant had gone to coaching but she did not return. The
informant has apprehension that his daughter might have been
kidnapped by anti social elements with bad intention.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation against the petitioner as alleged in the F.I.R. is false and fabricated and the petitionere has not committed any offence as alleged in the F.I.R. He further submits that the victim girl was recovered and her statement under Section 164 of the Cr.P.C. was recorded, in which, she has not supported the case of prosecution and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the 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 A.C.J.M.-1st, Begusarai in connection with Phulwaria P.S. Case No. 106/2021, 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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