

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73005 of 2022

Arising Out of PS. Case No.-352 Year-2022 Thana- KORHA District- Katihar

MD. BABLU S/o Md. Manzoor Alam R/o Village- Tinpaniya Beltikari, P.S.-
Korha, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.08.2022 in connection with Korha P.S. Case No. 352 of
2022, F.I.R. dated 07.08.2022 for the offences punishable under
Sections 363, 366(A), 34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons kidnapped the victim when she
went for urinal.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the date of occurrence as
alleged in the F.I.R. is 02.08.2022 but the present F.I.R. has been



instituted on 07.08.2022 without any explanation of delay. He further submits that in fact the petitioner and the victim was in love and they have performed the marriage. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 352 of 2022, subject to the following conditions:-

1. One of the bailor shall be the wife of the petitioner namely, Nuresha Khatun who is also victim in the present case.

2. 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.

3. 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.

4. 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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