

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.411 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- MANIHARI District- Katihar

MD. ZAHID @ MD. JAHID Son of Md. Safik Nadaf @ Md. Safik R/v-
Baldiyabari, P.S.- Manihari, Dist- Katihar, Bihar, Pin Code- 854113

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Shekhar, Adv. Mr. Mukesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Manihari P.S. Case No. 178 of 2022 registered for the offence
under Sections 363, 366(A), 34 of the Indian Penal Code.

The minor daughter of the informant is alleged to
have been kidnapped for the purpose of marriage.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the petitioner has not been named in
the F.I.R., however, his name transpired in this case on the
basis of confessional statement of the main co-accused,



Seikh Lakhi. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has not stated anything about the petitioner and the victim also refused for medical examination. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.D.J.-VII -cum- Special Judge, POCSO, Katihar in connection with Mahihari P.S. Case No. 178 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



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.

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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