

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9383 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- JAMALPUR District- Darbhanga

MD. AZAD S/O MD. JUBAIR @ MD. JUBAIR ALAM R/O VILLAGE-
RAJBANI, P.S- BIROUL, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N A Shamsi, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Jamalpur P.S. case No. 105 of 2023 instituted for the offences under Sections 363, 366A, 385, 504, 506/34 of the Indian Penal Code.

3. Prosecution case, in short, is that the informant had purchased some land in village Rajbani which was objected by co-accused persons and they demanded ransom of rupees five lakh and also threatened to commit murder of wife and daughter. It is further alleged that on 28.08.2023, the sister of the informant was taken away on motorcycle by the petitioner and aforesaid co-accused persons. When the informant went to



the house of co-accused Nematullah and requested him to return his sister, he was abused and threatened.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that the entire story of the prosecution is false and concocted and as a matter of fact, the sister of the informant was in love with co-accused Nematullah and had gone with him on her own sweet will and in support of this contention, learned counsel has annexed the statement of the Nayda Parween (Annexure-2 to the present bail application). Learned counsel further submitted that the so-called victim has also refused for her medical examination (Annexure-3 to the present bail application). Learned counsel further submitted that petitioner is only the friend of the co-accused Nematullah and has no concern at all with the alleged incident. Learned counsel further submitted that victim in her statement recorded under Sections 161 and 164 of the Cr.P.C. has not whispered anything against this petitioner. Charge-sheet has been submitted in this case and charge has been framed against this petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.08.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that victim has not stated anything against this petitioner in her statement recorded under Section 164 of the Cr.P.C. and no any direct involvement of this petitioner in the alleged occurrence, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jamalpur P.S. case No. 105 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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