

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33943 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- LAUKAHA District- Madhubani

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Allauddin Mian, Son of Buddur Mian @ Mohammad Budul Miya, Resident
of Village- Parsahi, P.S- Khutauna, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Ashok Kumar, learned counsel for the
petitioner and Mr. Umesh Lal Verma, learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Laukaha P.S. Case No. 307 of 2023
registered for the offences punishable under Sections 363 and
366 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the informant, who had been working in Bengaluru
came to his village on 16.11.2023. When he reached in his
house, he did not find his wife and children. The informant
enquired the matter and came to know that the petitioner has



taken away his wife and children to somewhere. The informant went to the house of the petitioner, but he did not find him.

4. Learned Advocate for the petitioner contended that the narratives of the F.I.R. clearly suggests that the informant was not even aware as to when his wife along with the children left the house. Even as per the F.I.R., the informant reached in the village on 16.11.2023 and he came to know that his wife had taken away by the petitioner, but surprisingly the present F.I.R. has been instituted on 19.11.2023. The petitioner was apprehended from his house and, as such, had the petitioner allured the wife of the informant and children, he would have certainly left the village, but his presence in the village belies the prosecution case. It is next contended that be that as it may till date neither the wife and children of the informant have recovered nor the police has collected the call details of the petitioner as well as the disappeared wife of the informant, which may give light to the investigation. Despite the aforesaid lacuna, the police submitted charge-sheet and now the petitioner is in custody since 20.11.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the nearby people has stated that the wife of the informant and his



children were taken by the petitioner on his motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the fact that the entire case is based on suspicion. Moreover, during the course of investigation, no incriminating material has come suggesting the complicity of the petitioner in the present crime, coupled with the period of custody and the factum of filing of charge-sheet, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 307 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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