

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32450 of 2024

Arising Out of PS. Case No.-226 Year-2022 Thana- CHIRAIYA District- East Champaran

MD. NEZAM ALAM @ MD. NEZAM @ NEZAM ALAM SON OF
JHAKAR MIAN RESIDENT OF VILLAGE - BHALUAHI, P.S. -
SHIKARGANJ, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Chiraiya (Shikarganj) P.S. Case No. 226 of 2022 for the offence punishable under Sections 363, 366/34 of the Indian Penal Code lodged on 13.5.2022 by the informant, Kachnar Kunwar.

3. As per the prosecution story, the informant's daughter had gone to attend the nature's call when the accused persons kidnapped her for the purpose of marriage. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that now the parties have compromised.

5. Though, the girl alleged that to break her marriage,



the petitioner chose to make the photos available with him viral and ultimately resulted into break up of the marriage.

6. Learned APP opposes the prayer.

7. Taking into account the fact that he has remained in custody since 28.6.2022 (para-10 of the petition) and he do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Motihari, East Champaran/concerned Court, Motihari, East Champaran, in connection with Chiraiya (Shikarganj) P.S. Case No. 226 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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