

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39290 of 2024

Arising Out of PS. Case No.-684 Year-2023 Thana- ARARIA District- Araria

Md. Sabbir @ Sabir Alam @ Md. Shabbir son of Kasim @ Md. Kasim
Village- Dewariya Badighat Ward No 06 PS and Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner, the State as
also the informant.

2. The petitioner is in custody in connection with Araria
P.S. Case No. 684 of 2023 for the offence punishable under
sections 363, 366(A) and 34 of the Indian Penal Code lodged on
10.07.2023 by the informant, Aasma Khatoon.

3. As per the prosecution story, the informant alleged
that while going to the coaching, her daughter was kidnapped by
the accused persons and later, came to know about the
involvement of this petitioner. When she went to her house, was
threatened with dire consequences. Accordingly, the FIR.

4. Subsequently, the victim girl returned and as per the
statement under Section 164 of the Cr.P.C., the accused persons
took her to Delhi and always used to make her unconscious. Later,
she informed this petitioner that she want to go to her parents
home whereafter she was brought to the home district where the
Police arrived and was arrested, is in jail since 08.03.2024



(paragraph-22 of the petition).

5. Learned counsel for the petitioner submits that he is a young boy of twenty two years, student, they were in relationship but under the threat of the parents, changed her statement and though, implicated him, still, at nowhere she has alleged any sexual assault on her. The further submission is that they had also solemnized marriage (Nikahnama) but now the victim girl is with the parents.

6. Learned counsel for the informant submits that subsequently on the behest of the petitioner another kidnapping took place and as such, he does not deserve bail.

7. Learned counsel for the petitioner submits that he being in jail, any allegation that has been attributed to him cannot be accepted and secondly, he is not in the category of accused in the said Araria P.S. Case No. 800 of 2023.

8. Learned APP also opposes the prayer though, concede that the petitioner is a young boy is in custody for last six months.

9. Taking into account the aforesaid facts as also that there is no allegation of rape attributed to this petitioner, he is a young boy of twenty two years, has remained in custody since 08.03.2024, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.



10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of C.J.M. Araria, in connection with Araria P.S. Case No. 684 of 2023 subject to the following conditions:

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

(iv) 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)

Adnan/-

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