

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66480 of 2024

Arising Out of PS. Case No.-862 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Md. Tabrez Son of Md. Piyare Resident of village - Amraha, Police Station -
Chakand, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Nasim Son of Md. Yasin Resident of village - Amaraha, Police Station -
Chakand, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-10-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 362 and 365 of the IPC in
connection with Complaint Case No.862 of 2022.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
complainant alleges that petitioner took his son Md. Farid for
getting a job in a hotel at Pune, Maharastra in the year 2019 and
thereafter his son never returned back home and when the
complainant tried to verify the whereabouts of his son from the
accused, no satisfactory explanation was given and the
complainant was abused. Thus alleges that accused persons had



kidnapped his son with an intention to kill him.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the complainant. It is further submitted that petitioner and the son of the complainant were known to each other and the son of the complainant on his own had gone to Pune in search of work where petitioner was working from before. It is next submitted that son of the complainant started working in a bakery at mohalla-Mohammadwari, P.S.-Hadabser, District-Pune. It is also submitted that during Covid the son of the complainant got infected and died as would manifest from Annexure-3 to the bail application which is a medical certificate of cause of death issued by Pune Municipal Corporation and the death certificate issued by the Pune Municipal Corporation (Annexure-4) issued on 31.05.2021.

5. The learned APP, Mr. Chandra Bhushan Prasad for the State opposes the bail application and the submits that it appears that both Annexure-3 and 4 are forged document. It is submitted that from of Annexure-3 it would manifest that the same records that Md. Farid was admitted in the hospital on 13.04.2021 and expired on 22.04.2022 at 3.30 am, but then the said certificate does not carry signature of any authority. It is



also submitted that from perusal of Annexure-4 i.e. the death certificate it would manifest that the same was issued on 31.05.2021 when as per Annexure-3 Farid died on 22.04.2022, which definitely casts an aspersion on the documents annexed with the regular bail application. It is also submitted that it appears that the petitioner by relying on forged and fabricated document is trying to seek bail.

6. Considering the submissions made by the learned APP, the Court is not inclined to release the petitioner on bail, accordingly, the bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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