

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71180 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- BAISI District- Purnia

Sabre Alam @ Sabre Imam @ Md. Sabre Imam son of Late Bajlur Rahman
@ Md. Bazlur Rahman R/o Village- Bangama Ps- Baisi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr.Ram Prawesh Kumar, learned counsel
for the petitioner, learned counsel for the informant and
Mr.Parmanand Prasad, learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in
connection with Baisi P.S.Case No.338 of 2023,FIR dated
11.08.2023 registered for the offences punishable under
Sections 365,366 of IPC.

3. Allegation against the petitioner is that the
petitioner's brother Md. Mofiz has kidnapped the informant's
sister Ruhi Prawin on 08.08.2023 and it is said that the
petitioner is also involved in the said kidnapping.

4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated. In fact the victim was in love with the co-accused, namely, Md. Mofiz, who happens to be the brother of the petitioner and from a bare perusal of the FIR it appears that there is no accusation against the petitioner and the petitioner has falsely been implicated in the present case on the ground that the victim has eloped with co-accused, namely, Md. Mofiz and although the informant has filed a compromise petition before the learned court below and informant categorically stated that the informant is not eager to pursue the matter.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the victim is still traceless but fairly submits that the petitioner is brother of co-accused, namely, Md. Mofiz and apart from that the petitioner is also accused in another case but fairly submits that the petitioner has been acquitted in the pending matter.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S.Case No.338 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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