

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74733 of 2024

Arising Out of PS. Case No.-438 Year-2022 Thana- TRIVENIGANJ District- Supaul

Md. Murtuja Son of Md. Sultan R/O Vill.- Karharwa ward no. 10, P.S.-
Triveniganj, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 03-07-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for
the offences under Sections 366 and 34 of Indian Penal
Code.

3. As per the prosecution case, the informant has
alleged that he was staying along with his wife and two
minor children and it is further alleged that the co-accused
Md. Navi Hasan had been wandering around his house and
was talking to his wife and subsequently, he along with
informant's wife fled away. It is further alleged that he has
strong suspicion that the accused Md. Navi Hasan has taken
away informant's wife for the purpose of marriage and in



this crime his relatives Md. Murtuja (petitioner) and his mother Bibi Sherul Khatoon are also involved.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case . It is next submitted that the petitioner has no concern whatsoever with the alleged incident. It is also submitted that from perusal of the FIR, it is evident that specific allegation of enticing the wife of the informant was on Md. Navi Hasan who has fled away. Learned counsel further submits that there is no specific allegation against the petitioner and only a suspicion has been raised against the petitioner. It is lastly submitted that the petitioner has clean antecedent and is in custody since 03.08.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner was involved in kidnapping the wife of the informant who is still traceless. Learned counsel refers to various paragraphs of the counter affidavit filed on behalf of the State wherein efforts taken by the police has been brought and despite hectic search neither the victim nor the



other co-accused namely Md. Navi Hasan could be found.

6. Considering the aforesaid submissions of the parties and also considering the nature of allegation and the period of custody of the petitioner, let the petitioner above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned concerned, Supaul, in connection with Triveniganj P.S. Case No. 438/2022, subject to the following conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- d. 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 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 afore-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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