

In the Court of Addl. Sessions Judge- I

Vaishali at Hajipur,

STR No.- 206/2021

Ref :- Arising out of Baligaon P.S.Case No.- 118/2020, Dated- 04.10.2020, U/s 363/366(A)/34 of IPC.

In the matter of :-

State

Vs

Md. Shahbaj @ Shahbaj Alam, Age- 22 years, Son of Md. Fatehuddin, R/o Village-Akhtiyarpur Doghara, P.S- Baligaon, District-Vaishali

.....**Petitioner**

Present:-

Udaywant Kumar
Addl. Sessions Judge-I
Vaishali at Hajipur.

Learned Counsel for petitioner :- Shree Amrendra Kumar Singh, Advocate

Learned Counsel for Opp. Party :- Ms. Bibi Mallika, APP

Date of order :- 04.03.2022

Order

The petitioner above named is serving judicial custody since 16.10.2020 in connection with aforesaid case and hence instant petition for the grant of regular bail has been filed on his behalf. The copy of the petition has been served upon learned additional public prosecutor.

The prosecution case in brief is that the daughter of informant namely Payal Kumar aging about 12 years and his niece Chanchal Kumari aging about 15 years were missing from their home since 02.10.2020 at 05:00 PM in the evening. It is alleged that upon making inquiry it transpired that Md. Tammana, Md. Nafiz, Md. Fatehuddin, Md. Sahbaj and 13 others named in the FIR have kidnapped them away. It is further alleged that all the accused persons were the member of band of criminals who are in the profession of kidnapping Hindu girls for illicit purpose. Accordingly, with the said allegation FIR has been instituted.

Learned counsel for petitioner submitted that petitioner is innocent and he has committed no offence whatsoever as alleged. It is submitted in para 2 of the bail petition that the earlier attempt so made by petitioner to obtain the relief of regular bail got

failed upon rejection of his petition vide order dated 16.12.2021 passed by the Hon'ble High Court, Patna in Crl. Misc Case no. 18661/2021. It is further submitted that victim girls have already been recovered and in their statement so made u/s 164 of Cr.P.C they have not stated anything about this petitioner. It is further submitted that the victim girls are of the age of majority. It is at last submitted that respectable persons of the locality and sound sureties are ready to stand as bailors for the petitioner and hence it is prayed that petitioner be allowed regular bail.

Learned Additional Public Prosecutor opposed the prayer for bail.

Heard the parties and perused the record. The allegation against petitioner is that he is the member of band of criminals who kidnapped the minor daughter and nephew of informant. It has been conceded in para 2 of the bail petition that the earlier attempt to obtain bail so made by petitioner stands rejected by Hon'ble High court vide order dated 16.12.2021, passed in Cri. Misc Case no. 18661/2021. On the perusal of record it transpires that the trial against petitioners have already commenced. The police has submitted the charge sheet bearing CS no. 144/2020, dated 26.12.2020 against petitioners and charge against petitioner stands framed vide order dated 06.09.2021. So far two witnesses have already been examined in the matter on contest. Considering the fact that the prayer for the grant of regular bail so preferred earlier on behalf of petitioner stands rejected up to Hon'ble High Court on merit and also the fact that trial against petitioner has already commenced and witnesses are being examined on contest, therefore, this court is not inclined to admit the petitioner to regular bail and hence the petition so filed on his behalf is hereby rejected.

Addl. Sessions Judge-I
Vaishali at Hajipur.
04.03.2022