

IN THE COURT OF THE SESSIONS JUDGE, ARARIA.
B.P. NO. 861 of 2023
Arising out of Araria(Madanpur) P.S. case no. 744/2023

Aslam Ali

Petitioner.

Vrs

State of Bihar

Opposite Party

Appearance:

For the petitioners: Mr. Irshad Alam, Advocate

For the prosecution: Mr. L.N. Yadav, P.P.

21.08.2023

This bail petition filed on behalf of accused petitioner namely 1. Aslam Ali who is in custody since 30.07.2023 in connection with Araria(Madanpur) P.S. case no. 744/2023 u/s 363, 365, 366A, 504, 506/34 I.P.C. is taken up for hearing.

Heard both the sides.

The learned counsel for the accused petitioner submits that this accused petitioner is innocent who has committed no offence and has been falsely implicated in this case due to village politics. No case as alleged against the petitioner is made out as the petitioner has not been directly or specifically alleged for committing any overt act. The petitioner has no concern with the alleged occurrence. Moreover the petitioner is an old man aged about 60 years who is in custody since 30.7.2023, In such circumstances, the petitioner deserves to be released on bail.

The learned P.P. opposed the anticipatory bail.

Having heard the submission of both the sides and perused the L.C.R.. Prosecution case briefly as set out from F.I.R. being written report 28.7.2023 of informant Geeta Devi is that on dated 27.7.2023 at 9.30 a.m. the informant's daughter had gone to Madanpur market for Bank work and when did not return back at 12 p.m. the informant and others started tracing her daughter and during course of search, the informant came to know that the co-accused Rahman Ali @ Muskan has committed kidnapping of informant's daughter on inducement and when the informant went to the house of Rahman Ali @ Muskan, the petitioner and other co-accused became furious and started abusing the informant. The informant's daughter was having with cash of Rs. 50,000/-, silver ornaments, school paper and bank passbook.

Perusal of L.C.R. and Case diary reveals that the petitioner carry general allegation. There is no direct incriminating material against the petitioner either in F.I.R. or in case diary. Moreover the petitioner is in custody since 30.7.2023. So, in the given facts and circumstances, I am inclined to enlarge the petitioner on bail. He is directed to be released on bail on furnishing his bail bond of Rs. 10,000/- each with two sureties of like amount each to the satisfaction of the court below.

(Dictated)

Sd/-

(Harshit Singh)

Sessions Judge