

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26699 of 2015

Arising Out of PS.Case No. -546 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

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1. Kadir son of Bhatiya
2. Matibul son of Habib
3. Fheko wife of Matibul
4. Jahan Ara @ Sahan Ara wife of Kadir
5. Bano wife of Jahan Alam, D/o Kadir
All R/o village- Pichla Idgah Tola, P.S.- Kishanganj, District-Kishanganj
..... Petitioners

Versus

The State of Bihar
..... Opposite Party

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha
For the Opposite Party/s : Mr. Narsing Tanti (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 05-11-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Kishanganj
P.S. Case No. 546 of 2014 registered for the offences punishable
under Sections 363, 366, 372 of the Indian Penal Code.

Allegedly, Sanjida Khatoon the minor daughter of the
complainant/informant was kidnapped by the petitioners for
human trafficking and was taken away at Delhi where she was
forced to develop physical relationship with customer on payment
of price.

Submission is of false implication and that the victim was
recovered by Seemapuri Police Station where the statement of the



victim was recorded which is her first statement and in that statement names of the petitioners is no where but later on after being tutored the victim started taking names of the petitioners also as per the complaint petition. Due to some land dispute going on between the petitioners and the complainant their names have been taken as such, the petitioners who are suffering in custody deserve sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the victim in her statement recorded under Section 164 Cr.P.C. and also under Section 161 Cr.P.C. has stated the names of the petitioners regarding their hands in her kidnapping and she is minor.

In the facts and circumstances stated above, noticing that victim in her first statement on 03.12.2014 before the Officer Incharge of Seemapuri Police Station has not stated the names of the petitioners regarding their hands in her kidnapping but later on after her return she stated the names of the petitioners, as such, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 546 of 2014, subject to the conditions

that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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