

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26958 of 2015

Arising Out of PS.Case No. -38 Year- 2012 Thana -DIGHALBANK District- KISANGANJ

- =====
1. Javed @ Zaved, son of late Md. Sahjahan,
 2. Manir @ Mannum @ Monu, son of late Md. Sahjahan,
- Both are resident of village-Jhanjer Toli, P.S.- Chakulia, District- Uttar Dinajpur (W.B.)
3. Rafique @ Rafique Alam, son of Mansoor Alam,
- Resident of village - Chaitan Tola, P.S. - Chakulia, District- Uttar Dinajpur(W.B.).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 The petitioners are apprehending their arrest in connection with Dighalbank P.S. Case No. 38 of 2012 for the offences instituted under Sections 363/366(A)/34 of the Indian Penal Code.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 23.6.2012 at about 5-6 P.M. the daughters of the informant, namely, Rabina Khatoon and Rukhsana Khatoon and niece of the informant, namely, Zulekha Khatoon and Najmoon Khatoon went to wheat mill and after some time, Rukhsana Khatoon and Najmoon



Khatoon came to home then they told that Rabina Khatoon and Zulekha Khatoon went with Dr. Radheshyam Mishra on his motor cycle towards Kajla Chowk on some assurance made by Dr. Radheshyam Mishra. After some time when the girl had not come then the informant and his relative started search of them. During the course of search, the informant has not found the girls, the informant also visited the clinic of Dr. Radheshyam Mishra at Kanki (WB). On 2.7.2012 one Md. Mantu received a mobile call from mobile no. 9470215689 and one person told him that they came at Panjipara (WB) and took the girls after payment of Rs. 15,000/- each. Dr. Radheshyam Mishra was running a clinic at Dighabank about 2 years ago and thereafter, the informant came into the contract of the said doctor.

It has been submitted on behalf of the petitioners that petitioners have been falsely implicated in the present case. It is further submitted that the petitioners are not named in the first information report but the name of the petitioners has been taken subsequently in course of investigation.

On behalf of the State, it is stated that the name of the petitioners has come in the statement recorded under section 164 Cr.PC of the victim.

Considering the aforesaid facts and circumstance, I am

not inclined to grant bail to the petitioners. Accordingly, this application is rejected.

If anyhow the petitioners will surrender before the court below within a period of four weeks from today, the court below shall consider the case of the petitioners on its own merit without being prejudiced by this order and if possible, the same will be disposed of on the same day.

(Sudhir Singh, J)

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