

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30937 of 2015

Arising out of PS.Case No. -85 Year- 2014 Thana -BHARGAWAN District- ARRARIA

1. Md. Rustam, S/o Abdul Hasan.
2. Bibi Jarina, W/o Md. Rustam.
3. Md. Mumtaz, S/o Abul Hasan
4. Md. Khurshid, S/o Md. Sabir.
5. Bibi Asmina Parveen, D/o Md. Rustam. Petitioner No. 1,2,3,5 are resident of village - Birnagar West and the Petitioner No. 4 is resident of village - Birnagar East, All of P.S. Bhargama, District – Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Anil Prasad Singh, Advocate.
For the Opposite Party : Mr. Sangita Sharma (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015 The petitioners are apprehending their arrest in connection with Bhargama P.S. Case No. 85 of 2014 for the offences instituted under Sections 364, 365, 367, 368 and 120(B) of the IPC.

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

The prosecution story, in brief, is that the informant's son Md. Ezaj was kidnapped by the petitioners who got him married to Asmina Parween, the elder daughter of the petitioner Md. Rustam. Asmina Parween was already mother of three

children.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. It is further submitted that there is no substantive piece of evidence in the F.I.R. to suggest the implication of these petitioners. It is further submitted that the petitioner nos. 2 and 5 are the ladies.

On behalf of the State it has been submitted that the victim boy has been examined under Section 164 Cr. P.C. There is no direct allegation against the petitioners for forcibly abducting the victim and taking him for the purpose of marriage.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner nos. 1, 3 and 4. Their prayer for anticipatory bail is rejected. Anyhow, if they surrender in the court below within a period of four weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

As far as petitioner nos. 2 and 5 are concerned, they are ladies, let them be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Bhargama P.S. Case No. 85 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand)

each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)