

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33372 of 2014

Arising Out of PS.Case No. -467 Year- 2013 Thana -BAHERA District- DARBHANGA

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1. Md. Isha, son of Imamuddin, resident of village Baghela, P.S.- Bahera, District- Darbhanga.
 2. Md. Sakur, son of Late Raushan Ali
 3. Md. Waseer, son of Md. Kabeer.
 4. Waseed Ali, son of late Raushan Ali.
 5. Md. Chhotu, son of Seikh Sikandar
 6. Mairun, wife of Waseet Ali
- All are residents of village Mirzapur, Police Station-Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mosrat Praveen, daughter of Md. Manjoor Alam, resident of village Mirjapur, P.S.- Bahera (Alinagar O.P.), District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 16-07-2015 Heard the Counsel for the petitioners and Mr. Dayal, APP
for the State.

The present application survives only in respect of petitioner nos. 1, 5 and 6 as it has been stated that application has already been dismissed as withdrawn in respect of petitioner nos. 2, 3 and 4.

The petitioners are facing accusations in Bahera P.S. Case No. 467 of 2013 punishable under Sections 346, 376, 420 and 34 of the Indian Penal Code and Sections 3/4 of the D.P. Act.

The allegation against the petitioners is that they

kidnapped/abducted the minor girl and forced to marry her with co-accused Md. Gulam inasmuch as certain evidence was also created.

Counsel for the petitioner submits that petitioner no. 5 is not even named in the First Information Report. Petitioner no. 6 is the mother of Md. Gulam who has not allegedly kidnapped the girl. In fact, the father of the victim girl had earlier lodged a case under Section 366A on 14.7.2013 in which the police submitted final form.

Learned APP, on the other hand, points out that the girl is aged about 14-15 years and claimed to be minor. It has come in the order of the learned Sessions Judge that she was misled and statements under Section 164 Cr.P.C. was obtained in the previous case. The witnesses, in course of investigation of the present case, have supported the case of the prosecution.

I have gone through the materials on record including the impugned order. Considering the allegation and the materials available on record, I am not persuaded to grant the privilege of anticipatory bail to petitioner no. 1, Prayer is, accordingly, rejected.

So far petitioner nos. 5 and 6 namely Md. Chhotu and Mairun are concerned, in the event of arrest or surrender in the

Court below within four weeks, they are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Benipur, Darbhanga in Bahera P.S. Case No. 467 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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