

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35722 of 2014

Arising Out of PS.Case No. -100 Year- 2014 Thana -BASANTPUR District- SIWAN

- =====
1. Kashim Mian Son of Late Jalil Mian
 2. Qeyamuddin Mian @ Qeyamuddin Son of Late Jalil Mian null
 3. Bacha Mian @ Bache Son of Late Jall Mian All Resident of village- Nagauli, Police Station- Basantpur, District- Siwan.
 4. Hamid Mian Son of Jalil Mian
 5. Hasina Bibi Wife of Hamid Mian
 6. Rukhsana @ Rukhsana Khatoon daughter of Hamid Mian All Resident of village- Nagauli, Police Station- Basantpur, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. B.Ram (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 09-07-2015 In Basantpur P.S. Case No. 100 of 2014, the petitioners and another figured as accused, and were alleged to have committed the offences punishable under sections 363, 420 and 406/34 of the Indian Penal Code.

The allegation was that the girl by name Shabana Khatoon, daughter of the informant, was kidnapped on 28-3-2014. Apprehending their arrest, the petitioners herein filed B.P.No. 597 of 2014 in the court of Sessions Judge, Siwan. The same was dismissed on 7-7-2014. Hence, this application is filed before this Court.

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

It is pleaded that the person, who is said to have kidnapped the girl, has ,in fact, married with the very person, and

the girl has stated in court that she went alone on her own accord.

The court below has taken into account various aspects while rejecting the bail. This Court is of the view that petitioner nos. 5 and 6, who are women, can be granted anticipatory bail, and the other petitioner nos. 1 to 4 can surrender before the court below and file an application for bail.

Hence, the criminal miscellaneous application is partly allowed, granting anticipatory bail to petitioner nos. 5 and 6, namely, Hasina Bibi and Rukhsana @ Rukhsana Khatoun. In the event of arrest, the aforesaid petitioner nos. 5 and 6 shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan, in connection with Basantpur P.S. Case No. 100 of 2014, G.R. No. 1342 of 2014, subject to the conditions as laid down under section 438(2) Cr.P.C.

As regards petitioner nos. 1 to 4, the application is rejected. It is, however, left open to them to surrender before the court below, and if they file an application for regular bail, the same shall be taken up without any delay whatsoever.

(L. Narasimha Reddy,CJ)

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