

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38583 of 2015**

Arising Out of PS.Case No. -44 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Shamser Miyan (Alam) @ Dogla
  2. Md. Naseem@Naseem Ansari  
Both son of Kamruddin Ansari.
  3. Nasrin Khatun@ Sugarani W/o Shamsheer Miyan
  4. Hasbun Nisha @ Hasbul Nisha W/o late Karim

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Rakesh, Advocate

For the Opposite Party/s : Mr. Kr.Ranjit Ranjan(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2      28-09-2015                      Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363, 366A, 452, 341, 323, 380/34 of the Indian Penal Code, section and 27 of the Arms Act and 3/ 4 of the Explosive Substances Act.

The prosecution case is that on 15.11.2014, the informant received mobile call from co-accused Tabrej demanding rupees five lacks for release of daughter of the informant. On 17.11.2014, the FIR named accused persons came at the door of informant when co-accused Md. Tabrej fired from his pistol and threatened the informant where the other accused

persons snatched a bag and steel box containing rupees seventy thousand, ornaments worth Rs.65,000/-, utensil worth Rs.65,000/-. The accused persons took the daughter of the informant namely Farida alongwith themselves.

It is submitted by learned counsel for the petitioners that the present FIR was lodged on 03.02.2015 for the occurrence of 15.11.2014 whereas the same informant lodged Hajipur Sadar P.S. Case No.153 of 2015 on 24.02.2015, levelling accusation under section 366A of the Indian Penal Code, alleging kidnapping of her daughter. Learned counsel for the petitioners further submits that in 164 Cr.P.C. statement the victim has got her age recorded as 22 years when the court has assessed her age as 16 years, though as per the medical report she was found above 20 years. In 164 Cr.P.C. statement the victim has stated that she was not kidnapped rather she of her own went in the company of Tabrej, married with him as she was in love with him from before and now she is pregnant. The medical report also suggests that the victim was carrying pregnancy of 17 weeks 5 days. It is further submitted that the informant subsequently filed Patory P.S. Case No.44 of 2015 making accusation under sections 363, 366A, 452, 341, 323, 380/34 of the Indian Penal Code, 27 of the Arms Act and 3/ 4 of the Explosive Substances Act with

accusation of kidnapping of her daughter. In other case, the petitioners have been granted anticipatory bail vide Criminal Miscellaneous No.33535 of 2015.

Considering lodging of two cases with same accusation, statement of victim recorded under section 164 Cr.P.C, and the age of the victim assessed by the medical board, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Samastipur in connection with Patory P.S. Case No.44 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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