

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4694 of 2015

Arising Out of PS.Case No. -80 Year- 2014 Thana -MUSAHRI District- MUZAFFARPUR

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1. Rehana Khatoon, W/o Md. Anwar Resident of village - Manika Harikesh, Police Station - Musahari, District - Muzaffarpur
 2. Md. Afjal, son of Md. Ilyas, Resident of village - B.M.P. 6, Mohan Sahani Tola, Police Station - Mithanpura, District - Muzaffarpur
 3. Md. Anwar Son of Late Md. Sakur
 4. Md. Phool Babu @ Phool Babu son of Late Md. Sakur
Both Resident of village - Manika Harikesh, Police Station Musahari,
District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 02-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 363 and 366-A/34 of the Indian Penal Code, this Court, keeping in view that petitioner no. 1 Rehana Khatoon has not been named by the victim girl in her statement under Section 164 of the Cr. P.C. and that she has also got no criminal antecedent, will be inclined to grant privilege of anticipatory bail to her provided that she surrenders before the court below.

That being so, if the petitioner no. 1 namely, Rehana



Khatoon surrenders before the court below within a period of four weeks from today, she shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Musahari P.S.Case No. 80 of 2014; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if she is, she shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of her bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each

and every date in course of trial and if she fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

The case of the petitioners no. 2, 3 and 4 namely Md. Afjal, Md. Anwar and Md. Phool Babu @ Phool Babu respectively however stand on different footing inasmuch as they have been named by the victim girl allegedly a minor who in her statement under Section 164 Cr.P.C. has stated that the petitioners along with Javed had not only forcibly taken her away on 27.6.2014 on a Bolaro but had kept her confined for a period over one month i.e. till 28.7.2014 for the purpose of ransom.

That being so, the prayer for anticipatory bail of the petitioners no. 2, 3 and 4 namely Md. Afjal, Md. Anwar and Md. Phool Babu @ Phool Babu respectively is hereby rejected but nothing said in this order shall come in the way of the petitioners for making a prayer for regular bail which shall be considered on its merit without being prejudiced in any manner by anything said in this order.

Sujit/-

(Mihir Kumar Jha, J)

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