

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 47700 of 2015

Arising Out of PS.Case No. -141 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Shamim Mian son of Abul Kaish alias Kaish Master
2. Abul Kaish alias Kaish Master son of late Md. Hafiz Both are residents of
village - Shekhawa Tola, P.S. - Adapur, District - East Champaran.
.... Petitioners

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mrs. Indu Kumari Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 29-01-2016 Heard learned counsel for petitioners and learned
Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Adapur
P.S. Case No. 141 of 2015 registered for the offence under
Sections 363, 366(A) and 34 of the Indian Penal Code, have
prayed for grant of anticipatory bail.

It was submitted by learned counsel for petitioners
that ofcourse in the F.I.R., it was alleged that both the petitioners
with another namely Arman @ Kalam, son of petitioner no. 2 had
kidnapped the daughter of the informant, subsequently, the victim
girl was found at railway station and her statement under Section
164 of the Cr.P.C. was recorded, in which, she made categorical
statement that she was never kidnapped. Learned counsel for
petitioners submits that in the statement recorded under Section
164 of the Cr.P.C., her age has been mentioned as 17 years,

whereas, during investigation, she was examined by the doctor and her age was assessed in between 17 ½ to 18 ½ . According to him, the victim girl was a major girl and according to her statement, no kidnapping had taken place.

Earlier, the case dairy was called for, which has been received. I have perused the case diary and on perusal of the same, the Court is satisfied that it is a fit case for extending the privilege of anticipatory bail, particularly; in view of the fact that the victim girl, who is major, had made categorical statement denying the statement of the informant regarding kidnapping.

Accordingly, in view of the facts and circumstances, let both the petitioners namely Shamim Mian and Abul Kaish @ Kaish Master be enlarged on bail, in the event of their arrest or surrender within a period of six weeks from today, on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran/concerned court in connection with Adapur P.S. Case No. 141 of 2015 subject to condition, as contemplated under Section 438 (2) of the Cr.P.C.

(Rakesh Kumar, J.)

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