

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43186 of 2016**

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1. Raushan Kumar Son of Amod Mahto.  
2. Rita Devi Wife of Amod Mahto Both Resident of Village- Anzanpir Bin  
Tali, P.S.- Hajipur Town, Dist.- Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Fateh Aalam Quarishi Son of Late Md. Kasim, Resident of Village-  
Begmali Beentoli, Amjanpir, P.O. & P.S.- Hazipur town, Dist. - Vaishali.

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

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar  
For the Opposite Party/s : Mr. Akbar Ali

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

2      05-10-2016

Heard learned counsel for the parties.

The present application has been filed for modification of the order dated 1.7.2016 passed in Cr. Misc. No. 27067 of 2016 to the extent of confirming the provisional bail of the petitioner in connection with Hajipur Town P.S. Case No. 169 of 2016 pending in the court of the learned CJM, Vaishali at Hajipur.

The petitioners were granted provisional anticipatory bail for two months vide order dated 1.7.2016 passed in Cr. Misc. No. 27067 of 2016 in connection with Hajipur Town P.S. Case No. 169 of 2016 registered under sections 366A/34 of IPC.

The prosecution is that on 7.3.2016 at 7.30 PM the

informant's minor daughter Sabana Praween went to purchase something in the company of Amit Kumar, the petitioners and Amod Mahto but the victim did not return.

The provisional anticipatory bail was granted to the petitioners on submission of learned counsel for the petitioners that the victim Sabana Praween after getting married with the son of the petitioners, namely, Amit Kumar, is residing together and a petition to that effect was filed by both Amit and Sabana before the learned court below. Further the petitioners undertook to produce the victim girl before the learned court below on 28<sup>th</sup> July, 2016 when the learned court below was expected to record the statement of the victim girl.

It is submitted by learned counsel for the petitioners that the victim girl was produced before the learned court below and her statement under section 164 Cr.P.C. has been recorded on 28.7.2016, which suggests that the victim is aged about 18 years, where she stated that she of her own married with Amit Kumar, the son of the petitioners. The victim has not alleged anything against the petitioners. Accordingly, a petition was filed on behalf of the petitioners for confirmation of provisional anticipatory bail but since the order dated 1.7.2016 does not stipulate that the provisional bail was to be confirmed by the

learned court below, the learned court below is not passing any order. It is further submitted that the petitioner furnished their bail bonds and still they are continuing on provisional bail and the bail bonds have not been cancelled.

In the circumstances, the order dated 1.7.2016 passed in Cr. Misc. No. 27067 of 2016 is modified to the extent that the provisional anticipatory bail of the petitioners is hereby confirmed.

Accordingly, the modification application is disposed of.

**(Dinesh Kumar Singh, J)**

Anil/-

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