

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42836 of 2016

Arising Out of PS.Case No. -1 Year- 2012 Thana -BHAPATIYAH I District- SUPAUL

1. Md. Jibrail Son of Md. Saleem Shah resident of Village- Navinagar, Police Station- Bhaptiyahi, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Sri Ahmad Ali, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-10-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bhaptiyahi P.S.Case No. 01/2012 registered for offence punishable under Section 363, 366(A)/34 of the Indian Penal Code.

The prosecution case, as lodged on the basis of written report dated 01.06.2012 by the informant namely, Md. Yusuf Ali submitted to the S.H.O., Bhaptiyahi Police station, is that his 14 years minor daughter, namely, Shabana Khatoon was kidnapped by the petitioner alongwith one Md. Faiyaz when she was returning after meeting newly married bride in her neighborhood.

It has been submitted by the learned counsel for the petitioner that the final form was submitted wherein the petitioner was not sent up for trial but the learned Magistrate has

recorded the statement under section 164 of Cr. P.C. of the victim girl and taken cognizance against the petitioner. He further submits that the victim girl, Sabana Khatoon has now married with Md. Fiyaz and his two years old son and one year daughter born out of their wedlock and a compromise petition to the said effect has been filed by the informant also stating that the victim girl Sabana Khatoon is a major of 23rd years of age and married to Md. Fiyaz.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the informant has himself stated that now his daughter, Sabana Khatoon has married with Md. Fiyaz, the other co-accused Md. Fiyaz, let the petitioner, above named, in the event of his arrest/surrender, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of Sri Jitendra Kumar, learned Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S.Case No. 01/2012, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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