

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4850 of 2016

Arising Out of PS.Case No. -380 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Kalamuddin S/o Serajul Dewan
2. Sarifan Khatoon W/o Serajul Dewan
3. Juman Dewan S/o Serajul Dewan
4. Allauddin Dewan @ Allauddin S/o Serajul Dewan
5. Serajul Dewan S/o unknown All are residence Sheikh Toli Laukhan P.S.-
Ghorasahan District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Md. Waliur Rahman

For the Opposite Party/s : Mr. Rajendra Singh Shastri(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 26-02-2016 Heard learned counsel, appearing on behalf of the

petitioners, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of

Ghorasahan P.S.Case No. 380/2014 (G.R.No. 1526/2014),

disclosing offences under sections 365, 368, 372/34 of the Indian

penal Code.

The First Information Report has been instituted with an

allegation that the informant's daughter was married to

Kalamuddin (petitioner no.1). After few days of the marriage, the

informant's daughter has been found to be missing. The allegation

is that the petitioners have, for some illegal purpose either confined her or sold her to someone. Petitioner no.2 is the mother-in-law of the said girl, whereas petitioners no. 3 and 4 are the brothers-in-law. Petitioner no.5 is the father-in-law.

Learned counsel for the petitioners submits that no offence under section 373 of the Indian Penal Code is made out on the basis of allegation as contained in the First Information Report against these petitioners and they have been implicated merely on the basis of suspicion. He further submits that the girl had some amorous relationship with Md. Arman and she appears to have eloped with him.

Be that as it may, in the facts and circumstances of the case, petitioner no.1 being the husband, I am not inclined to grant him privilege of anticipatory bail.

The prayer for anticipatory bail of petitioner no.1 is, hereby, rejected.

Petitioner no.1 is directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

So far the other petitioners are concerned, their

application is allowed.

Let petitioners no. 2 to 5, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sikrahna at Dhaka, East Champaran in Ghorashahan P.S.Case No. 380/2014 (G.R.Case No. 1526/2014), subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that petitioners no. 2 to 5 shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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