

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8011 of 2016**

Arising Out of PS.Case No. -129 Year- 2015 Thana -PIPRAKOTHI District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Sainullah @ Md. Sanaullah son of Md. Sabir Mian @ Sabir Mian
  2. Md. Munna son of Md. Sainullah @ Md. Sanaullah
  3. Md. Bhola Rai @ Md. Bhola, son of Late Dhora Rai
  4. Md. Manoj Rai @ Md. Manoj Raj, son of Jahir Mian, All Resident of village- Baltharwa, P.S.- Pipra Kothi, District- East Champaran

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Madhurendra Kumar

For the Opposite Party : Mr. Murli Dhar (APP)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      11-05-2016      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners apprehend their arrest in connection with  
Pipra Kothi P.S. Case No. 129 of 2015 for the offences punishable  
under Sections 363, 366(A) of the Indian Penal Code.

The Prosecution case as per the informant Hamida  
Khatoon is that on 20.09.2015 at about 4 P.M. in the evening,  
Roshni Khatoon came out from her house. All the four accused  
persons kidnapped her. The informant started searching, but  
Roshni Khatoon could not be traced. At the time of occurrence  
Roshni Khatoon was in school dress.



It has been submitted by the learned counsel for the petitioners that they have committed no offence and have falsely been implicated in the present case due to land dispute. It has further been submitted that all the independent witnesses have stated that earlier there was a land dispute, there was a fight between petitioner No.1 and the informant and even in the supervision note the police have found that the informant herself kept her daughter somewhere and lodged the false case. He further submits that there is no eye-witness to the alleged occurrence and earlier also the informant Hamida Khatoun had filed Complaint Case No. 2156 of 2012 against the petitioner No.1 and one other case which has been dismissed under section 203 of the Cr.P.C. He further submits that petitioners have no criminal antecedent.

However, the learned APP for the State submits that the petitioners are named in the First Information Report even though the independent witnesses have not supported the case of the prosecution, but opposes the prayer for bail.

Be that as it may, since there is no eye-witness and there is a land dispute between the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten

Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra Kothi P.S. Case No. 129 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Nilu Agrawal, J.)**

Rajiv/-

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