

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1173 of 2016

Arising Out of PS.Case No. -707 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Anwar Alam @ Anwar Alam Son of Firoj Dewan
 2. Sekh Asgar Alam @ Md. Asgar Alam Son of Tabrej Dewan
 3. Sekh Faiyaz @ Faiyaz Ahmad Son of Gafirul Haque All resident of village - Siswa Sahbad Tola, P.S. Banjariya, District - East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma
For the State : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 18-01-2016 Heard learned counsel for the petitioner and the State.

Petitioners apprehend their arrest in a case registered for the offences punishable under sections 363, 366(A), 34 of the Indian Penal Code.

It is contended that petitioner no. 1 was earlier implicated in Turkauliya Police Station Case No. 612 of 2015 registered under sections 363 and 366(A) of the Indian Penal Code for kidnapping of a minor girl of the informant, however, the girl was recovered and her statement was recorded under section 164 of the Code of Criminal Procedure (hereinafter to be referred to as “the Code”) and she did not name the aforesaid petitioner, though she had narrated the entire story of kidnapping.



Thereafter, the petitioner no. 1 was granted anticipatory bail vide order contained in Annexure 3 dated 17.12.2015 passed in Criminal Miscellaneous Case No. 51620 of 2015 by a Single Judge Bench of this Court. Again a complaint case was filed for kidnapping of the same girl which was forwarded to the concerned Police Station for investigation on which a case was instituted under sections 363/366(A)/34 of the Indian Penal Code. It is contended that again the statement of the girl has been recorded under section 164 of the Code which has been appended as Annexure 5 to the supplementary affidavit in which she has stated that her family members were planning to kill her, therefore, she eloped with co-accused Meraj Alam and married him. Thereafter, she went to Ambala where she and co-accused Meraj Alam lived together and the case of kidnapping is wrong. She has not taken the name of any of the petitioners anywhere. It is next contended that the petitioners have been falsely implicated in this case as they happen to be the relatives of co-accused Meraj Alam.

Having regard to the facts and circumstances of the case, let the abovenamed petitioners, namely, Md. Anwar Alam @ Anwar Alam, Sekh Asgar Alam @ Md. Asgar Alam and Sekh Faiyaz @ Faiyaz Ahmad, be released on bail in the event of

arrest/surrender before the court below within a period of six weeks from today in Turkauliya Police Station Case No. 707 of 2015 on furnishing bail bonds of Rs.10,000/- (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

SC/-

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