

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5614 of 2016

Arising Out of PS.Case No. -197 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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Asma Khatoon, W/o Md. Salauddin Resident of Village- Bhitbherwan,
P.S.- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nazia Khurshid @ Nazma Khatoon, W/o Rabe Alam R/o Village-
Bhitbherwan, P.S.- Gopalganj, District- Gopalganj, D/o Khurshid Alam,
P.O.+P.S.- Bhitbherwan, District- Gopalganj.
3. Noor Sabba Khatoon, W/o Khursid Alam, Resident of Village-
Bhitbherwan, P.S.- Gopalganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 27-07-2016

Heard learned counsels for the petitioner
and the State.

The petitioner has renewed her prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 363 and 366A of the Indian Penal Code.

The accusation is of kidnapping the minor
daughter of the informant by Rabe Alam and his family
members. The petitioner is the sister-in-law (Bhabhi) of main
accused Rabe Alam.

It is submitted by learned counsel for the
petitioner that the petitioner has been roped in the present case



only because she happens to be the relative of main accused Rabe Alam and the victim has performed marriage with Rabe Alam and both are residing together. It is further submitted that as per voter I.D. the victim was major on the date of the occurrence when other relatives of main accused Rabe Alam namely, Mohan Mian and Sairun Nesha have been granted provisional anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.10.2015 passed in Cr. Misc. No. 44586 of 2015 and provisional bail was confirmed vide order dated 16.12.2015.

In view of the fact that the earlier anticipatory bail application of the petitioner was disposed of by this Court vide order dated 23.11.2015 passed in Cr. Misc. No. 53052 of 2015, this Court is not inclined to revise the order, but in view of the fact that the similarly situated accused persons have been granted anticipatory bail by co-ordinate Bench of this Court, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of four weeks from today in connection with Gopalganj (Town) P.S. Case No. 197 of 2015 pending in the court of learned Chief Judicial Magistrate, Gopalganj.

It is expected from the learned court below

to dispose of the bail application of the petitioner preferably on the same day keeping in view of the fact that the similarly situated accused persons have already been granted anticipatory bail, though, subsequent to the order passed by this Court and the petitioner is a lady.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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