

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13035 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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1. Maulana Bashirullah, Son of Late Noor Hassan.
2. Pappu Ansari, Son of Maulana Bashirullah, both resident of Ladhi Bazar,
P.S.- Goriya Kothi, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 19-04-2016

Heard the Counsel for the petitioners and the APP for
the State.

Petitioner no. 1 is the father of Md. Musine Azam
who is also a co-accused. Both the petitioners along with others
are named in the first information report vide Siwan Mahila P.S.
Case No. 9 of 2016 registered under sections 366A/506 of the
Indian Penal Code and Section 12 of the POCSO Act.

The mother lodged the case stating that while she
was going to school, the petitioners came to her house. In the
evening when she returned from the school, she found her 16
years' old daughter missing. The victim girl, on retrieval, made
statement under Section 164 Cr.P.C. (Annexure-3) in which she
disclosed her age as 19 years and stated that on her own volition,
she has married with co-accused Md. M. Azam. The story narrated
by the victim girl does not fit in the prosecution case. Her age has

been clinically assessed between 18-19 years as is apparent from Annexure-2.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Siwan in Siwan Mahila P.S. Case No. 9 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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