

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47978 of 2016

Arising Out of PS.Case No. -361 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Md. Nawaz @ Md. Nawaz Khan Son of Md. Azad Khan,
2. Wakil Khan son of late Lal Mohammad Khan
3. Azad Khan, Son of Md. Habib Khan All resident of Village Dolbajja,
Police Station- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. M Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-12-2016

Heard both sides.

The three petitioners herein are related to Md. Sahwaj Khan who, according to the First Information Report (FIR) appears to be the main accused. The informant, who is husband of the victim, lodged the case that while they were at *sasural*, his wife had gone to ease, the accused persons forcibly took her away.

It is submitted that the allegation is directed against Md. Sahwaj who had love -affairs with the victim and, in fact, married with her. With similar allegation, the grandmother of the victim had earlier lodged a case under Section 376 of the IPC against Md. Sahwaj and present set of accused persons wherein



they were granted bail looking to the peculiar facts of the case vide Annexures 4 and 4/A.

It is submitted that the petitioner no.2 is the maternal grandfather of Md. Sahwaj whereas petitioner nos. 1 and 3 are elder brother and father of Md. Sahwaj. In this connection, the affidavit of the victim has also been referred.

Considering the aforesaid, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. case No. 361 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 bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the



trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

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