

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16520 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -GOPALGANJ CITY District- GOPALGANJ

1. Sharafat Mian @ Sharafat Ali S/O-Late Md. Idris
2. Afsari Khatoon @ Shakhari Khatoon @ Sarwari Khatoon W/O Sharafat Mian @ Sharafat Ali Both are resident of village- Dhamapaker, P.S.- Manjhagarh, District-Gopalganj. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shafiur Rahman

For the Opposite Party/s : Mr. Md.Nazir Ansari (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 04-07-2016

Heard both sides.

The petitioners apprehend their arrest in a case under Section 363, 366A/34 of the Indian Penal Code.

The informant alleged that his daughter had gone to fill up form of intermediate examination but she did not return till the evening of 04.01.2016. On the next day the informant came to know that Afjal Mian, his father and mother have kidnapped his daughter. Rekha Devi and Awadh Kishore Singh have also conspired in kidnapping.

It is submitted that the victim made her statement under section 164 of the Cr. P.C. and she disclosed that Afjal Mian and his friends kidnapped her and took her to Gorakhpur on a Bolero. His father and mother were also inside the vehicle but they returned from Gorakhpur. It is submitted that petitioners are father

and mother of Afjal Mian and they were not present in the vehicle.

In fact, the victim was in love with Afjal Mian from before and she went along with Afjal Mian. Kajal, a friend of victim, was also accompanying her in the college but she stated that she did not know anything about the kidnapping nor she raised any alarm. The victim did not raise any hue and cry although the occurrence took place in broad day light in the market.

Considering the facts aforesaid and the fact that petitioners are father and mother of Afjal Mian, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Gopalganj (town) P.S. Case No. 10 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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