

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15593 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Roshan Khatoon Wife of Habib Miyan, Resident of Mohalla-
Kishunbagh, Police Station- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
20.01.2017 in connection with Majhauliya P. S. Case No. 16 of
2017 registered for the offence punishable under Section 366
(A)/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that his daughter, Fuljahana Khatoon, aged about 16 years is
traceless since 29.10.2016. He has suspicion that the petitioner
might have kidnapped the daughter of the petitioner for purpose of
marriage.

It has been submitted by the learned counsel for the
petitioner that she is innocent and has been falsely implicated in
the aforesaid case. It is further submitted that F.I.R. has been
lodged after 78 days of the alleged occurrence and no plausible



explanation has been given for such delay. He further submits that the petitioner is the aunt of co-accused Tasmuddin @ Bhagelu who resides in Bettiah and the statement made by the victim girl under Section 164 Cr. P.C. is about another aunt, namely, Husnara Khatoon, who resides at Sitamarhi and not Bettiah. It has further been submitted that no overt act of any kind has been committed by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 16 of 2017, subject to the condition that that if the petitioner is found during investigation to be the same person as Husnara Khatoon, the learned Court below will be at liberty to cancel her bail bonds.

(Nilu Agrawal, J)

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