

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43310 of 2017

Arising Out of PS.Case No. -382 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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1. Md. Sajjad @ Md. Sajjad Alam, S/o Md. Ilyas, Resident of-13/H/6,
P.S.-Park-3, Elete Lane, Kolkata.

2. Md. Taslim, Son of Md. Sayeed, Resident of Mahboob Khan Tola, P.S.
K. Hat (Sahayak), District Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar

For the Opposite Party/s : Mr. Bharat Bhushan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 03-10-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of K. Hat Sahayak P.S. Case No. 382 of 2017,
disclosing offences under Sections 366, 366-A, 376 and
450 of the Indian Penal Code and Section 3/4 of the
Protection of Children from Sexual Offences Act.

Learned counsel for the petitioners has drawn
my attention to an FIR, registered on 11.03.2017, by the
wife of the complainant, who is the mother of the victim
girl, in relation to the same occurrence alleged have taken



place on 11.03.2017. He has next submitted that the victim was examined under Section 164 Cr.P.C., wherein, she completely denied the story of kidnapping and stated that she had gone out of her free will with one Taufiq. The petitioners are related to said Taufiq. He has contended that on the basis of investigation and in the light of the statement of the victim girl, recorded under Section 164 Cr.P.C., the police submitted final report on 01.08.2017. More than a month thereafter, the present complaint case has been filed.

Learned counsel for the petitioners submits that no tangible purpose would be served if the petitioners are taken into custody now, particularly when the case has been found to be false by the police after investigation.

Considering the facts and circumstances and the submission so made on behalf of the petitioners, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, Ist Class, Purnea**, in connection with **K. Hat Sahayak P.S. Case No. 382 of 2017**, subject to the condition laid down under



Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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