

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46887 of 2017

Arising Out of PS.Case No. -180 Year- 2017 Thana -BIRPUR District- SUPAUL

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1. Md. Ayub Alam, S/o Muslim Ali @ Md. Muslim, R/o Village- Nathbari,
P.S.- Birpur (Balua Bazar), Dist- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Birpur (Balua Bazar)

P.S. Case No. 180 of 2017 instituted for the offence under Sections-
363, 366(A)/120(B)/380 of the Indian Penal Code.

As per allegation in the written report, the petitioner and other accused persons on the date of occurrence entered into house of the informant and kidnapped his two daughters namely, Kajal Devi and Kiran Kumari and also took away the jewellery, clothes and other belongings of the house The statement of victim girls recorded u/S 164 of the Cr.P.C. is annexed as Annexure-3 wherein both of them have stated that when they had gone to attend call of nature at 11.30 p.m. all of a sudden, 4-5 unknown persons came and after putting handkerchief on their mouth, kidnapped them. It has further been stated that when they regained consciousness, they found themselves in Delhi.



In this manner, victim girls have given different versions in statement u/S 164 Cr.p.C. from the allegation made in written report with respect to her kidnapping. Moreover, she has not named the petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Birpur (Balua Bazar) P.S. Case No. 180 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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