

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61905 of 2017

Arising Out of PS. Case No.-227 Year-2017 Thana- HUSAINGANJ District- Siwan

1. Shabbir Ali, Son of Late Shakur Mian,
2. Hazrat Ali @ Hazrat Balal @ Belal, Son of Shabbir Ali,
3. Munni Khatoon @ Munni Bibi, Wife of Shabbir Ali,
All are Residents of Village- Khodaiwari P.S.- Hussainganj,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. (DR.) RABINDRA KUMAR, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-12-2017 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

Accusation is of kidnapping the minor daughter of the informant by co-accused Chhotu Ali. It is alleged against the petitioners being father, mother and brother of Chhotu Ali that



when the informant went to their place the accused ensured them that his daughter will return soon. Hence, the informant suspected that they have connived in commission of the offence.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against Chhotu Ali. Since the petitioners are the family members of Chhotu Ali, they have also been roped in as an accused in the present case. In 164 Cr. P.C. statement of the victim, she got her age recorded as 18 years, whereas, the learned Court below has also assessed her age as 18 years, while the medical board has found her age between 16-17 years. In 164 Cr. P.C. statement the victim has stated that she married Chhotu Ali out of her own sweet will and she has not raised any allegation against these petitioners.

Learned APP submits that the accusation of kidnapping is against these petitioners also.

Considering the thrust of accusation against Chhotu Kumar non-petitioner and statement of the victim girl recorded under section 164 Cr.P.C., let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned CJM, Siwan, in connection with Hussainganj P.S. Case
No.227/2017, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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