

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56437 of 2017

Arising Out of PS.Case No. -203 Year- 2017 Thana -GOVINDGANJ District -
EASTCHAMPARAN(MOTIHARI)

- =====
1. Anwar Dewan @ Anwar Sah, son of Late Noor Dewan.
 2. Afroj Dewan @ Afroj Raja, son of Anwar Dewan.
 3. Tabraj Dewan @ Md. Tabraj Dewan, son of Anwar Dewan.
 4. Hasan Arra Khatoon @ Husnara Khatoon, wife of Anwar Dewan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 05-12-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Govindganj P.S. Case No. 203 of 2017, registered under Sections 366A and 363/34 of the Indian Penal Code and Section 6 of the POCSO Act.

The accusation is of kidnapping the daughter of the informant by the petitioners with the help of Khurshid Diwan.

Learned counsel for the petitioners submits that, in fact, petitioner nos. 2 and 3 are sons of petitioner no.1 and petitioner no. 4 is the wife of petitioner nos. 1, who are co-villagers of the informant and they have falsely been implicated in



this case due to dirty village politics.

On the other hand, learned counsel for the informant submits that the statement of victim, under Section 164 Cr.P.C. was recorded, in which, she has stated about kidnapping by petitioner nos. 1, 2 and 3 and also committing illegal act with her keeping one month in another place, which would appear from the order dated 22.09.2017 passed in A.B.P. No. 2369 of 2017 by the Ist Additional Sessions Judge-Cum-Special Judge POCSO Act, East Champaran, Motihari.

Having regard to the facts and circumstances of the case, let the petitioner no. 4, Husan Arra Khattoon @ Husnara Khattoon, who is lady, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran, in connection with Govindganj P.S. Case No. 203 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 1, 2 and 3, namely, Anwar Dewan @ Anwar Sah, Afroj Dewan @ Afroj Raja and Tabrej Dewan @ Md. Tabrej Dewan are concerned, having considered



the facts and circumstances of the case and the nature of allegation against them, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1, 2 and 3 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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