

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39081 of 2017

Arising Out of PS.Case No. -351 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Salamat Badhai, son of Nezam Badhai
2. Sabbir Badhai, son of Ash Mohammad @ Aash Mohammad
3. Hasina Khatoon, wife of Basir Ahmad
4. Samsad Alam @ Saheb, son of Basir Ahmad

All are residents of village Semara Ghat, P.S. Majhauria, Distt. West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Majhauria P.S. Case No. 351 of 2016 instituted for the offence under Sections 366/34 of the Indian Penal Code.

It is alleged in the written report that sister of the informant was kidnapped by Salamat Badhai (petitioner No. 1) with other accused persons including petitioner Nos. 2 to 4.

The victim girl has given her statement under Section 164 Cr. P.C. wherein she has taken names of all these petitioners but has leveled only vague and omnibus allegation against them.

Learned counsel for the petitioners has pointed out



Annexure-3 which is a petition filed before the learned Chief Judicial Magistrate, Bettiah, West Champaran, wherein she has stated that she has already solemnized marriage with Salamat Badhai and when her brother learnt about the fact, this case has been filed. The victim girl is major and she has stated her age in the statement under Section 164 Cr. P.C. as 20 years.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Majhaulia P.S. Case No. 351 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, Distt. West Champaran, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

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(Sanjay Priya, J)

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