

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25241 of 2017

Arising Out of PS.Case No. -52 Year- 2016 Thana -SAKATPUR District- DARBHANGA

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Hashmat Ali @ Bhola Son of Ashraf Ali, Resident of Village-Kakodha, P.S.
Sakatpur, District-Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 13-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Sakatpur P.S. Case No. 52 of 2016 registered
for offences under sections 363, 366(A), 34 of the Indian Penal
Code.

As per allegation, the brother of the Informant was
kidnapped by Md. Akbar and allegation has been made that the
parents and brother of Raj Kumar Singh has cooperated to take
away the girl for the purpose of marriage.

The statement under Section 164 has been made by
the girl wherein she has stated that Md. Akbar has taken away the
girl and assistance was given by his brother-in-law, his middle



brother and Raj Kumar Singh.

Learned counsel for the petitioner submits that the petitioner is the younger brother and is not the middle brother.

In that view of the matter, let the petitioner should file his genealogical table before the court below and if it is found that the petitioner, namely, Hasmat Ali @ Bhola is not the middle brother, the court below would do limited enquiry, if finding comes in favour of the petitioner, the court below in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Darbhanga in connection with Sakatpur P.S. Case No. 52 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shivaji Pandey, J)

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