

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37361 of 2017

Arising Out of PS.Case No. -203 Year- 2017 Thana -RANIGANJ District- ARRARIA

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1. Gaisul Alam @ Sk. Gaisul, S/o Late Fuddar Ali,
 2. Bibi Najofil, W/o Mahboob Alam,
 3. Bibi Jaibul, S/o Gaisul,
 4. Mahboob Alam, S/o Gaisul All, residents of village - Bishanpur, Tola Madhulata, P.S. Raniganj, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP
Mr. Anil Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-09-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in Raniganj P.S.

Case No.203 of 2017 instituted for the offence under Section(s)
366, 364, 120-B Indian Penal Code.

Prosecution case is that on the date of occurrence
accused persons kidnapped the wife of the informant when she
had gone to attend the call of nature.

The victim has given her statement under Section
164 Cr. P. C., wherein, she has leveled specific allegation against
petitioner Nos.1 and 4 of kidnapping her and confining in a room
and also committing rape with her.



Counsel for the petitioners has pointed out Annexure-3, which is verified petition filed by the victim girl on 12.07.2017, in the Court below, which is subsequent development in the case.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner Nos.1 and 4. Their prayer for anticipatory bail is rejected.

Petitioner Nos.1 and 4 may surrender in the Court below and seek regular bail which shall be considered and disposed of in accordance with law by the Court below without being prejudiced by this order.

So far as petitioner Nos.2 and 3 are concerned, they are ladies. There is no allegation of any specific overt act against them.

In the facts and circumstances of the case, prayer of the petitioner Nos.2 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner Nos.2 and 3, named above**, within six weeks from today in connection with Raniganj P.S. Case No.203 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, 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.

(Sanjay Priya, J)

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