

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41493 of 2018

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1. Md. Shamim @ Samim Khan Son of Md. Faruk Resident of Saharsa Basti, Ward No. 31, Police Station and District- Saharsa.
2. Jaymoonisha Wife of Md. Islam
3. Md. Mistar Alam@ Mistar Alam Both Residents of Village- Ujani Police Station- Naugachia, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-07-2018 Heard the parties.

The petitioners seek anticipatory bail in connection with Naugachia P.S. Case No. 08 of 2018, registered for offences punishable under Sections 366A/34 of the Indian Penal Code.

Allegation against the petitioners and other accused persons is of kidnapping the daughter of the informant. \

Submission of the learned counsel for the petitioners is that the petitioners are brother-in-law, mother and elder brother of co-accused, Shahnawaz Alam from whom the sister of the informant had love affairs. It is also submitted that the petitioners have no criminal antecedent and they have been falsely implicated in this case and the victim girl is major. It is further submitted that



other co-accused Nusrat @ Nusrat Jahan has been granted privilege of bail by a Co-ordinate Bench of this Court vide order dated 05.07.2018 passed in Cr. Misc. No. 37928 of 2018.

Learned A.P.P. opposes the prayer for bail on the ground that the statement of the victim girl recorded under Section 164 Cr. P. C. in which she stated that she was kidnapped by accused petitioners and co-accused, Sahnawaz Alam.

Having heard both sides and in view of the facts and circumstances, as discussed above, let the petitioners, above named, surrenders before the court below within a period of six weeks from the date of the order, he will be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- II, Naugachia, Bhagalpur in connection with Naugachia P.S.Case No. 08 of 2018, subject to the conditions as laid down under Section 438 (2) of Cr.P.C. with condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(Vinod Kumar Sinha, J)

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