

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71594 of 2018

Arising Out of PS. Case No.-571 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. Md. Aalim, Son of Late Eddu Mian.
 2. Salma Khatoon Wife of Md. Aalim.
 3. Abid Ayan @ Md. Abid, Son of Md. Aalim.
 4. Md. Asif @ Md. Ashik, Son of Md. Aalim,
- All are resident of Village- Sareya, Ward No. 5, P.S.- Gopalganj,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 363/366/34 of the
Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 27.09.2018 submitted by Ram Dhayan Gupta to the
Station House Officer, Town Police Station, Gopalganj to the
effect that on 26.09.2018 at 3.30 P.M. the wife of the informant
Varsha Gupta and daughter Nitu Kumari were kidnapped by the
petitioners. The informant came to the in-laws house of the wife
when the occurrence took place. Earlier also the wife of the



informant was kidnapped for which the mother-in-law of the informant submitted a written application on 20.07.2018, but the police has not lodged the case.

It is submitted by learned counsel for the petitioners that in the statement recorded under Section 164 of the Cr.P.C., the victim, who is a major, has not supported the accusation. A statement to that effect has been made in paragraph no.11 of the petition, which reads as under :-

“11.That it is submitted that the police has recovered the victim lady and her statement u/s 164 Cr. P.C. has been recorded in which she said that her husband used to assault her due to that she came to Gopalganj and Aabid is her friend who helped him to search a house and she has nothing to do with him.”

Learned counsel for the petitioner further drew attention of this Court towards order dated 08.10.2018, passed by the learned CJM, Gopalganj, in Gopalganj P.S. Case No. 571 of 2018, from which it appears that the victim is not ready to stay with her husband and the said order does not stipulate anything adverse against the petitioners.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the statement made under section 164 of the Cr. P.C., wherein, the victim has not alleged anything against



the petitioners, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Gopalganj, in connection with Gopalganj Town P.S. Case No.571 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

