

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4630 of 2018

Arising Out of PS. Case No.-26 Year-2017 Thana- THAKURGANJ District- Kishanganj

1. Ful Mohamad, S/o Late Ramzan Ali, R/o village- Chakarmari P.S.- Thakurganj, District- Khishanganj.
2. Ful Mohamad @ Gul Mohamad S/o Late Sarfuddin,
3. Noor Mohamad S/o Late Sarfuddin,
4. Md. Imanuddin @ Imam @ Imamuddin S/o Late Bachcha , R/o Village- Chhital, P.S.- Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. SRI MITHILESH KUMAR KHARE

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-02-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek Anticipatory bail in connection with Special Case No. 24 of 2017 arising out of Thakurganj P.S. Case No. 26 of 2017 registered under Sections 366A/ of the Indian Penal Code.

Informant is the father of victim who in his written complaint dated 25.03.2017 has stated that his daughter alongwith his wife had gone to attend the call of nature on 15.03.2017 at 9:30 PM then five persons as named in the FIR kidnapped her for solemnizing marriage with accused Md. Shahnur. The victim was subsequently recovered and in her



statement under Section 164 of Cr.P.C. she has stated that accused persons had forcible taken her to solemnize marriage with Md. Shahnur but she refused to marry him and thereafter return to her home.

Learned counsel for the petitioners submitted that they are innocent and have been falsely implicated in this case. The alleged kidnapping as stated in FIR is of 15.03.2017 which was committed in presence of wife of the informant but still FIR was lodged after 10 days of occurrence which creates suspicion. It has been further submitted that after investigation police has not charge sheeted and not sent up the petitioners but the learned Magistrate on the basis of evidence collected during the investigation did not concur with the opinion of Investigating Officer and has taken cognizance against the petitioners.

Considering the facts and circumstances of the case, prayer of Anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Kishanganj, in connection with Special Case No. 24 of 2017 arising out of



Thakurganj P.S. Case No. 26 of 2017, subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(S. Kumar, J)

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