

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.81 of 2018

Arising Out of PS. Case No.-10 Year-2017 Thana- AWADPUR District- Katihar

1. Muslima Khatoon, D/o Md. Khatir
2. Md. Khatir son of Late Anuwa
3. Doku @ Mohsina wife of Md. Khatir
4. Siddique son of Late Kamiruddin
5. Akali wife of Siddique
6. Zarina wife of Md. Khalil
All residents of village- Chiknitola, police station-Abadpur, District-Katihar
7. Md. Sohrab @ Md. Shohrab son of Late Hafiz, Resident of village-
Sirajmani, Police Station, Abadpur, District-Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad

For the Opposite Party/s : Mr. Sri Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-04-2018 At the outset, it might be relevant to refer to the report submitted by the Superintendent of Police, Katihar dated 13.04.2018, in pursuance to the order of this Court dated 08.03.2018.

On perusal of the said report dated 13.04.2018, it is apparent that the missing person, namely, Md. Jakir Alam has been recovered by the police on 09.04.2018, however, he is accused in other cases and as such, he is in judicial custody.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Abadpur P.S. Case No. 10 of 2017 registered



for the offence punishable under Sections 364, 365, 363 and 120B of the Indian Penal Code.

The case of the prosecution is that the petitioners herein and other accused persons had come to the house of the informant and kidnapped the said Md. Jakir Alam and thereafter, the said Md. Jakir Alam had become traceless.

The learned counsel for the petitioners submits that the stand of the petitioners has been vindicated inasmuch as according to them, the said Md. Jakir Alam had married with the Petitioner No. 1, hence, in order to keep the said Md. Jakir Alam away from the Petitioner No. 1, his family members had hidden him. It is further submitted that now, the said missing person has been recovered, hence, there is no impediment in releasing the petitioners herein on anticipatory bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of ten weeks from the date of receipt/production of a copy of this order, on anticipatory 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 learned Judicial Magistrate, 1st Class, Katihar in connection with



Abadpur P.S. Case No. 10 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is directed that the petitioners shall join investigation and they should be present at the place where they are directed to appear by the investigating agency and in case, they do not cooperate with the investigation, the prosecution would be free to approach this Court for cancellation of bail.

(Mohit Kumar Shah, J)

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