

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16781 of 2018

Arising Out of PS.Case No. -850 Year- 2017 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Md. Shamim, Son of Md. Ali Asgar@ Nawab Sahab
 2. Shabana Khatoon @ Shabana, wife of Md. Shamim
 3. Noor Shama Khatoon, Daughter of Md. Habib
 4. Chandani Khatoon @ Chandani Praveen, Daughter of Md. Sharfuddin
- All Resident of Village- Bhusanda, P.S. Mufassil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Usman, Son of late Abdul Qurban, R/o Village- Bhusanda, P.S. Mufassil, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate.

For the Opposite Party/s : Smt. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-04-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Complaint Case No. 850 of 2017** instituted for the offence under Section 365 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the victim girl has already performed marriage with Md. Moquim. In support of such marriage, Annexure-2 has been filed which is 'Nikahnama'. Learned counsel for the petitioner has further submitted that daughter of complainant was 18 years old, which would be apparent from Aadhar card annexed as Annexure-3. The



petitioner No. 1 is brother of Md. Moquim and petitioner No. 2 is wife of petitioner No. 1. Petitioner Nos. 3 and 4 are villagers.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Complaint Case No. 850 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Miss Swati Singh, learned Judicial Magistrate 1st Class, Gaya**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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