

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62832 of 2017**

Arising Out of PS.Case No. -162 Year- 2017 Thana -AWADPUR District- KATIHAR

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1. Anish S/o Late Gopal,  
2. Patani, W/o Anish,  
3. Asharaful @ Asrafal S/o Anish, All R/o Village- Chikani Tola, P.S.-  
Abadpur, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rajiya Khatoon W/o Md. Musha, R/o Village- Katahar, P.S.- Abadpur,  
District- Katihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar  
For the Opposite Party/s : Mr. Jagdhar Prasad

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      11-01-2018      At the out set it is submitted by the learned counsel for the  
petitioners that the petitioner no.1 has already been arrested, hence  
he does not want to press this application as against the petitioner  
no.1, namely, Anish.

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

The petitioners seek anticipatory bail in connection with  
Abadpur PS case no. 162 of 2017 registered for the offences  
punishable under Sections 363 and 365/34 of the Indian Penal  
Code.

The allegation against the petitioners is regarding abducting



the victim boy and forcibly marrying him.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and have clean antecedent. It is further submitted that the petitioner no.1 has already been arrested, hence the other accused persons may be granted anticipatory bail.

The learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and he submits that the victim boy is minor, hence the marriage could not have taken place. The learned counsel for the informant relies on the statement of the victim boy made under Section 164 Cr. P.C. to submit that the petitioners are the persons who have committed the alleged crime.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks before the concerned court, the petitioner Nos. 2 and 3, namely Patani and Asharaful @ Asrafal are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Abadpur PS case no. 162 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.



It is further directed that the petitioners shall join investigation and co-operate, both in the investigation and trial and shall appear before the trial court on each and every date fixed. In case of two consecutive default, the anticipatory bail shall be automatically cancelled and they shall be taken into custody forthwith.

It is further directed that in case it is found that the petitioners are not co-operating in the investigation, the prosecution would be at liberty to approach this Court for cancellation bail of the petitioners.

As far as the petitioner no.1, namely, Ashis is concerned, the present petition has become infructuous, hence the petition is dismissed as against the petitioner no.1.

**(Mohit Kumar Shah, J)**

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