

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1807 of 2018

Arising Out of PS. Case No.-157 Year-2017 Thana- SHIVSAGAR District- Rohtas

1. SHAHANWAJ ANSARI @ MD. SHAHANWAJ ANSARI, Son of Sarfudin Ansari, Resident of Mohalla Sherganj Sonar Toli, P.S. Sasaram (Town), District- Rohtas.
2. Hajra Khatoon, Wife of Mumtaz Ansari, Resident of Village- Sikunhi, P.S. Sheosagar, District- Rohtas.
3. Arshad Ansari, Son of Aslam Ansari, Resident of Village Naudiha, P.S. Sheosagar, District- Rohtas.
4. Sarfaraj Anasari, Son of Nasir Ansari, Resident of Village- Biura, P.S.: Sheosagar, District- Rohtas.
5. Nasir Ansari, Son of Late Jumrati Miyan, Resident of Village- Biura, P.S. Baddi Sheosagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Adv.

For the Opposite Party/s : SRI SHAILENDRA KUMAR -1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366A, 360, 120B, 34 of the Indian Penal Code.

The prosecution case got initiated with the filing of complaint Case No. 437 of 2017 by Md. Ayub Ansari, which ultimately, got registered as Sheosagar (Baddi) P.S. Case No. 157 of 2017 after its being transferred under Section 156(3) of the Code of Criminal Procedure. According to the informant that



on 23.03.2017, the informant along with his wife and children went to village Doriao to attend marriage ceremony and his elder daughter namely Sanjeeda Khatoon was in house when she was enticed away by the accused persons along with ornaments, cash of Rs.30000/- and other articles. The informant came to know about this fact on returning back from the marriage ceremony on 24.05.2017.

It is submitted by learned counsel for the petitioners that the victim is major and she has married with petitioner no.1 Shahanwaj Ansari out of her own sweet will. The victim has filed a petition to that effect before the Court of learned Chief Judicial Magistrate, Rohtas. It is further submitted that the victim was apprehensive of being married to some persons against his wish since the informant's wife is the step-mother of the victim. The impugned order reflects that a certificate issued by the Bihar School Examination Board was produced, wherein date of birth of the victim has been mentioned which also suggests that the victim is major. However, petitioner no.1 is ready to produce the informant before the learned Court below on 12th of February, 2018.

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



Considering the nature of accusation and undertaking of petitioner no.1 that he is ready to produce the victim girl before the learned Court below on 12th of February, 2018, let the above named petitioners be released on provisional anticipatory bail for three months, 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 Sub-Judge-VII-cum-ACJM, Sasaram, Rohtas, in connection with Sheosagar (Baddi) P.S. Case No.157 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners will be confirmed by the learned Court below on appearance of the victim girl as undertaken by petitioner no.1, if she is found major by the learned Court below while recording her statement and if she admits that she of her own went in the company of petitioner no.1 and married him.

(Dinesh Kumar Singh, J)

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