

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10779 of 2018

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1. Najrul Khatoon, D/o Fakira, R/o Village- Pichla Idgah Tola, P.S.- Kishanganj, District- Kishanganj.
 2. Md. Hairan , S/o Md. Muslim @ Muslima, R/o village- Simlia Tola, P.S.- Chakulia (Kanki), District- Uttar Dinajpur (W.B.).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Kishanganj P.S. Case No. 546 of 2014** instituted for the offence under Sections 363, 366(A) and 372 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that petitioners are not named in the complaint petition. The occurrence is said to have taken place on 21.08.2014 and complaint was filed on 23.08.2014 which was sent to Police Station under Section 156 (3) Cr. P.C.

During investigation, the girl was apprehended by Seemapuri Police in Delhi and the statement of victim girl was recorded on the basis of statement of First Information Report



registered by Delhi Seemapuri Police vide Seemapuri P.S. Case No. 1727 of 2014 dated 3.12.2014. Delhi Police produced the victim girl on 5.12.2014 before Ms. Mayuri Singh, Metropolitan Magistrate, K K D Court, Delhi for recording statement under Section 164 Cr. P.C. wherein She has stated the name of two persons namely, Dharmendra and Surjeet and stated her age to be 18 years. She did not allege any overt act against the petitioners in the First Information Report which was lodged in Delhi.

The girl was again produced on 16.12.2014 before the Judicial Magistrate, 1st Class, Kishanganj for recording statement under Section 164 Cr. P.C. and in that statement she has taken the name of this petitioner. The victim girl has been medically examined on 17.12.2014 by Medical Board, Kishanganj wherein the Board has assessed her age to be 17 years which is apparent from paragraph-85 of the case diary.

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 **Kishanganj P.S. Case No. 546 of 2014**, 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 **learned**



Chief Judicial Magistrate, Kishanganj, 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.

S.Ali/-

(Sanjay Priya, J)

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