

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10123 of 2019

Arising Out of PS. Case No.-487 Year-2018 Thana- DHAKA District- East Champaran

1. Md. Wakil @ Md. Wakil Sheikh Son of Jakir Hussain
2. Jhuni Begum @ Asgari Begum Sheikh, Wife of Jakir Hussain
Both are R/O village - Raksa Rahimpur, P.S.- Dhaka, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 26-06-2019 The petitioners apprehend their arrest in connection with

Dhaka P.S.Case No. 487 of 2018 registered under Sections 363
and 366A/34 of the Indian penal Code.

Allegation against the petitioners is that daughter of the informant Sahin Begum on 29.11.2018 was missing from her house. When search was made by the informant, she was informed by the villagers that her daughter has been abducted by one Mithu @ Murad along with his accomplice, namely Md. Wakil and Jhuni Begum i.e., petitioner no. 2. The informant has disclosed the mobile number of Mithu @ Murad and has also disclosed about previous enmity with the accused persons.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case due to previous enmity and has further submitted that no specific



allegation is made out against the petitioners but on the contrary allegation is made against one Mithu @ Murad whose mobile no. has also been mentioned in the FIR. Learned counsel further submits that petitioners are living separately from Mithu and there appears to be some affairs between Mithu and daughter of the informant that is why the informant has knowledge of exact phone number of accused Mithu. Learned counsel also referred the statement of victim girl recorded under Section 164 Cr.P.C. in which she has stated that when she regained her consciousness, she found that Mithu and Wakil were present on train and when they got down for purchasing some articles at Kalyan Station, she saw some villagers and upon raising *hulla* they came to her and accused persons fled away. Thereafter, the villagers left the victim in the house of her aunt (Bari Mammi). Learned counsel further submits that victim girl was not brought from Kalyan by the police as victim girl has stated that she was brought by her mother from Kalyan and the police has also not taken the statement of her aunt where she has allegedly stayed for sometime.

Learned counsel for the State opposes the prayer for bail and submits that victim girl was found at the Block office from where her statement under Section 164 Cr.P.C. before the



Magistrate.

After having heard learned counsel for the parties and upon perusal of the material on record, it appears that main allegation is against one Mithu @ Murad whose mobile number is also mentioned in the FIR and there was previous enmity between the parties also. The police did not bring the victim girl from Kalyan though the FIR has already been lodged on 02.12.2018 which raises doubt regarding prosecution story. There is no allegation that victim was assaulted physically by accused persons. Accordingly, I am inclined to grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned SDJM, Sikrahana at Dhaka, Motihari in connection with Dhaka P.S. Case No. 487 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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