

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10054 of 2019

Arising Out of PS. Case No.-314 Year-2018 Thana- BHARGAMA District- Araria

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1. Md. Idrish Ansari @ Md. Idris, Son of Late Maquebool Ansari Resident of village- Majrahi, Birnagar, P.S- Bhargama, District- Araria
 2. Rubeda Khatoon Wife of Md. Idrish Ansari @ Md. Idris Resident of village Majrahi, Birnagar, P.S- Bhargama, District- Araria
 3. Sabina Khatoon Wife of Md. Murtuza Resident of village Majrahi, Birnagar, P.S- Bhargama, District- Araria
 4. Md. Siraj Ansari @ Siraj Son of Md. Idrish Ansari @ Md. Idris Resident of village- Majrahi, Birnagar, P.S- Bhargama, District- Araria
 5. Md. Minhaj @ Minhaj Son of Md. Idrish Ansari @ Md. Idris Resident of village- Majrahi, Birnagar, P.S- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsels for the petitioners and the State.

Learned counsel for the petitioners submits that petitioner no.1, Md. Idrish Ansari @ Md. Idris has already been arrested, hence he seeks permission to withdraw the application with regard to petitioner no.1.

Permission is accorded.

Accordingly, the application with regard to petitioner no.1 is dismissed as withdrawn.

So far as petitioner nos. 2 to 5 are concerned, they are



apprehending arrest in a case registered for the offences punishable under Sections 366A and 494/34 of the IPC.

The prosecution case, as per the written report of Rukhsana Khatoon, dated 07.12.2018, submitted to the Station House Officer, Bhagrama Police Station, is to the effect that the informant's elder daughter, Rijbana Khatoon was married with Md. Niyaz about three years prior to the lodging of the present case. The son-in-law of the informant, Md. Niyaz used to come the house of the informant and he subsequently, eloped with the younger daughter of the informant, namely Najrana Khatoon, who is aged about 15 years, for the marriage purpose. It is alleged that all the accused persons including the petitioners, who are the family members of co-accused, Md. Niyaz, facilitated the elopement of the minor daughter of the informant. Petitioner nos. 2 to 5 are the mother, sister and brothers of main accused, Md. Niyaz.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against Md. Niyaz. The petitioners have been roped in the present case simply because, they are the family members of co-accused, Md. Niyaz. The accusation against the petitioners is general and omnibus. A statement has been made in paragraph no.3 of the petition that the petitioners



are not having any criminal antecedent.

Learned counsel for the informant submits that the petitioners facilitated the elopement of the minor girl of the informant.

Considering the thrust of accusation being levelled against main accused, Md. Niyaz, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner nos. 2 to 5 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 314 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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