

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14789 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- NIMACHANDPURA District- Begusarai

1. JAMILA KHATOON AND ANR Wife of Late Md. Gudhi @ Jumman Miyan Resident of Village - Sadpur, Police Station- Sahebpur Kamal, District- Begusarai.
2. Rabina Khatoon Wife of Md. Salim @ Salimuddin Resident of Village- Sadpur, Police Station- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 12-12-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Nimachandpura P.S.Case No.23 of 2018 registered for offences punishable under Sections 302, 364, 201/34, 363 of the Indian Penal Code.

As per FIR, prosecution story is that the sister of the informant, who was P.D.S. Dealer had gone out for attending meeting and she made a call at 6.00 P.M. but thereafter her mobile was found switched off, as such he apprehends that she has been kidnapped.

Submission of the learned counsel for the petitioners is that the petitioners are not named in the FIR and later on his



name transpired on the application given by the informant. Petitioner no.1 is aged about 70 years and FIR was also lodged after two days .

On the other hand the learned APP has opposed the prayer for bail on the ground that later on an application has been filed by the informant making suspicion against these petitioners also and the process under Section 82 of the Cr.P.C. has already been exhausted prior to filing of the case.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioners, however, the petitioners are directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on the basis of submission as made above as well as the materials available on the record and if possible to be disposed of on the same day.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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