

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17291 of 2019

Arising Out of PS. Case No.-769 Year-2017 Thana- ARARIA District- Araria

1. SONU ANSARI, Son of Habib Ansari Resident of Village - Momin Tola, Araria R.S., Ward No.3, P.S.- Araria (R.S.), Distt.- Araria.
2. Monu Ansari, Son of Habib Ansari Resident of Village - Momin Tola, Araria R.S., Ward No.3, P.S.- Araria (R.S.), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the IPC.

The prosecution case, as per the written report of Most. Lalita Devi submitted to the Station House Officer, Araria Police Station, is to the effect that on 07.11.2017 at about 07.00 P.M., when the informant returned to her house after doing labour work, she found that her daughter namely, Khushboo



Kumari is missing and her younger daughter namely, Gunja Kumari is weeping, who suggested that Khushboo Kumari has been kidnapped by four FIR named accused persons including the petitioner for the purpose of marriage.

It is submitted by the learned counsel for the petitioners that the victim in her statement recorded under Section 164 of the Cr. P.C., has got her age recorded as 14 years, whereas the Court has also assessed her age as such but the medical report of the victim suggests that she is more than 20 years old. The victim girl in her statement recorded under Section 164 of the Cr. P.C. has also denied the factum of kidnapping and has further stated that she on her own sweet will, went with the co-accused Zakir Ansari for the purpose of marriage. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the fact that the victim girl in her statement recorded under Section 164 of the Cr. P.C. has denied the factum of kidnapping, 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 petitioners 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 **C.J.M., Araria** in connection with **Araria (R.S.) P.S. Case No.769 of 2017**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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