

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25004 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- BAKHARI District- Begusarai

1. RAQUIMAN KHATOON, aged about 45 years, female, Wife of Md. Aashique
2. Md. Aashique aged about 52 years, Male, Son of Md. Rahmat Ali
3. Md. Mashooque @ Md. Masuk Ali aged about 45 years, Male, Son of Md. Rahmat Ali,
4. Md. Aarif aged about 48 years, Male, Son of Md. Rahmat Ali
5. Md. Raghbir aged about 23 years, Male, Son of Md. Aashique Ali
All Resident of Shakarpur, Ward No. 20 P.S.- Bakhari, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abul Kalam

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Bakhri P.S. Case No. 19/2019 registered under Sections 366(A)/34 of the Indian Penal Code, pending in the court of learned A.C.J.M. - V, Begusarai.

Learned counsel for the petitioners submits that in fact the allegations against the petitioners are that they have allured the daughter of the informant and kidnapped her. The girl is still not traceable. It is alleged that initially the accused persons told the informant on telephone that the girl is in Begusarai where



she will be handed over to him, but then, the victim girl has not been handed over to the informant.

Learned counsel for the petitioners submits that in fact Md. Aaqir who is the son of petitioner nos. 1 & 2 is also missing from the same day on which date the daughter of the informant has gone missing and these petitioners are actively trying to find out the victim girl but till date no progress could be made.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners submitting that so far as petitioner nos. 2, 3, 4 & 5 are concerned, there are specific allegations against them. They along with the son of petitioner no. 1 & 2 were working in the tailor shop where the daughter of the informant was going to learn tailoring. It is submitted that the allegations against these petitioners have been found true in course of investigation.

Having heard learned counsel for the petitioners and learned A.P.P. for the State, this court finds that in this case the victim girl is still missing, there are allegations against these petitioner nos. 2 to 5 that they had allured the victim girl and had taken her away after kidnapping. These petitioners were protected by order dated 18.04.2019 but still nothing has been



brought on record to show that they have appeared in course of investigation or have made themselves available to find out the whereabouts of the victim girl. This court is, thus, not willing to extend the benefit of anticipatory bail to petitioner nos. 2 to 5.

accordingly, prayer for anticipatory bail of petitioner nos. 2 to 5 is refused.

In case, they surrender in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit.

So far as petitioner no. 1 is concerned, she is wife of petitioner no. 2, being a female and the fact that there is no allegation against her in the F.I.R. about her active participation, this court is willing to extend the benefit of anticipatory bail to petitioner no. 1, in the event of her arrest/surrender before the court below within a period of four weeks, let the above-named petitioner no. 1 namely, Raquiman Khatoon, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Begusarai, in connection with Bakhri P.S. Case No. 19/2019, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.



She would also make herself available for interrogation by the Investigating Officer as and when required and shall cooperate in course of trial by presenting herself in trial court on each and every date, two consecutive failure to attend the trial would lead to cancellation of her bail bond.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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