

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34928 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. MUSTUFA DARJI Son of Isu Darji Resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.
2. Islam Darji Son of Late Mauje Darji Resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.
3. Shafi Darji @ Shafi Mohammad Darji Son of Islam Darji Resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.
4. Fatma Khatoon Wife of Mustafa Darji Resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-08-2019 This application, for grant of anticipatory bail, arises out of Bathnaha P.S. Case No. 81 of 2019, disclosing offences under Sections 366(A), 372/34 of the Indian Penal Code.

Prosecution case is that daughter of the informant was traceless and later on the informant came to know that petitioners have kidnapped her either for the purpose of marriage or for prostitution.

Submission of learned counsel for the petitioners is that the girl has been recovered and her statement under Section



164 Cr.P.C. has been recorded, in which, she has not supported the case of prosecution. Further submission is that she is major with will appear from the medical report.

Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail and submitted that the case diary has been called for but upto date case diary is not available so as to verify the submission with regard to the statement of the girl recorded under Section 164 Cr.P.C.

Having heard both sides, considering the facts and circumstances this application is disposed of with direction to the learned court below to verify the submission of learned counsel for the petitioners with regard to statement of girl under Section 164 Cr.P.C. as well as the age of victim girl and if the above submission of learned counsel for the petitioners is found true, the court below shall release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each otherwise, the petitioner will have to surrender and pray for regular bail.

(Vinod Kumar Sinha, J)

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