

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40631 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- BAHADURGANJ District- Kishanganj

1. HAMIDUR RAHMAN(M), aged about 65 years, Son of Late Faudar Ali
 2. Nazmin(F), aged about 40 years, Daughter of Hamidur Rahman
 3. Anjir Alam(M), aged about 25 years, Son of Hamidur Rahman
 4. Anjar Alam @ Md. Anjar Alam(M), aged about 28 years, Son of Hamidur Rahman
- All are resident of Village-Tappu Tola, Patharghati, Police Station-Korhobari, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar
For the Opposite Party/s : Mr.B.N.Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-07-2019 Learned counsel for the petitioners is permitted to correct the gender of petitioner No.2 during the course of the day.

Heard both sides.

The petitioners apprehend their arrest in Bahadurganj P.S. Case No.73 of 2019 registered under Sections 366(A), 323, 504, 506 and 34 of the Indian Penal Code.

The informant, father of the victim alleged that his daughter had gone to bring her goat but she did not return. The informant came to know that Anjar Alam(petitioner no.4) forcibly kidnapped his daughter and kept her confined in his



house.

The learned counsel for the petitioners submits that petitioner no.1 is the father, petitioner no.2 is the sister and petitioner no.3, Anjir Alam is the brother of Anjar Alam. The entire family has been made accused. The case has been compromised. The victim filed compromise petition that she voluntarily solemnised marriage with Anjar Alam. It is further submitted that victim made her statement under Section 164 Cr.P.C. but she did not complain any ill treatment or sexual harassment at the hands of Anjar Alam but it appears from the records that the victim is a minor girl aged about 14 years and she in her statement under Section 164 Cr.P.C. alleged that Anjar Alam and Anjir Alam forcibly kidnapped her on a motorcycle. They put her handkerchief on her nose and she became unconscious. When she got conscious she found her in their house.

Taking into consideration the facts that there is a specific allegation against petitioner No.3(Anjir Alam) and petitioner No.4(Anjar Alam) that they forcibly kidnapped the minor girl, I am not inclined to enlarge the petitioner Nos.3 and 4 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner No.1, Hamidur



Rahman and petitioner No.2, Nazmin is concerned, they are father and sister of Anjar Alam and the victim did not make any allegation of kidnapping against them.

Considering the facts aforesaid, let the petitioner Nos.1 and 2, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No.73 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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