

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41581 of 2019

Arising Out of PS. Case No.-99 Year-2019 Thana- PANCHRUKHI District- Siwan

1. TAUHID AHAMAD Son of Late Kabul Miyan
 2. Mariyam Khatoon Wife of Tauhid Alam @ Tauhid Ahamad
 3. Irashad Ahamad @ Md. Irashad Son of Tauhid Ahamad
 4. Rizwana Daughter of Tauhid Ahamad
- All are resident of Village- Pokhara, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nagendra Upadhyay
		Mr. Mayashankar Mishra
For the Opposite Party/s :		Mr. Rajeev Ranjan
		Mr. Ankur Prakash Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-09-2019 Heard both sides.

The petitioners apprehend their arrest in Pachrukhi P.S. Case No.99 of 2019 registered under Sections 363, 366(A)/34 of the Indian Penal Code.

The informant alleged that Md. Imtiyaz took away his wife and daughter for treatment of his wife but Md. Imtiyaz fled away with his daughter leaving his wife on way. It is further alleged that during the course of inquiry, the informant came to know that the petitioners who are father, mother, brother and sister of Md. Imtiyaz conspired with Md. Imtiyaz to kidnap the daughter of the informant.



The learned counsel for the petitioners submits that Md. Imtiyaz, son of petitioner nos.1 and 2 was working in the shop of the informant. Son of petitioner Nos.1 and 2 was missing and the petitioners had no knowledge about where is their son. It is further submitted that there is no evidence against the petitioners that petitioners kidnapped the daughter of the informant.

Learned counsel for the informant while opposing the prayer for anticipatory bail submits that petitioners also conspired with Md. Imtiyaz to kidnap the victim and the victim is still traceless.

From the facts, it appears that it was Md. Imtiyaz who left the house of the informant with his wife and daughter but on their way to Delhi, Md. Imtiyaz fled away with the daughter of the informant leaving his wife. Wife of the informant returned and informed about the occurrence to the informant. Petitioners did not accompany Md. Imtiyaz and there is no tangible material to show that petitioners ever conspired with Md. Imtiyaz to kidnap the daughter of the informant.

Taking into consideration the facts aforesaid, let the petitioners, 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 Additional Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi P.S. Case No.99 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

