

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71122 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- KANGLI District- West Champaran

1. SAJID KHAN Son of Lal Khan Resident of Village - Kahthiya Mathia, P.S.- Kangali, Distt - West Champaran.
2. Lal Khan Son of Late Bhulan Khan Resident of Village - Kahthiya Mathia, P.S.- Kangali, Distt - West Champaran.
3. Ghoghara Khatun @ Bhogra Khatoon Wife of Lal Khan Resident of Village - Kahthiya Mathia, P.S.- Kangali, Distt - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Satyavrat Verma, Advocate
For the Opposite Party/s :	Mr.Mohammad Sufyan, APP
For the Informant :	Mr. Mahtab Alam, Advocate
	Mr. Ranavijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners in this case are the father, mother and brother of the co-accused Zikruaah Khan. They are seeking anticipatory bail in connection with Kangil P.S. Case No. 22 of 2019 registered for the offences punishable under Sections 341, 342, 323, 376, 504 and 506/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Learned counsel for the petitioners submits that from a reading of the first information report it would appear that the thrust of allegations are against the co-accused Zikruaah Khan with whom the informant is said to have established physical



relationship for about six months on the promise of marriage given to her by said Zikruaah Khan. The informant is adult and on the said promise of the co-accused she has established relationship. Till this stage these petitioners have not been alleged any participation.

The allegation against these petitioners is that on 14.02.2019 the petitioner no. 1 along with another brother Haidar Khan had abducted the informant and took her to Delhi where also said Zikruaah Khan was establishing physical relationship with her but after some time when she insisted for marriage, she was beaten by him and she some how reached her house and told the entire story to her family members, thereupon her family members tried to put pressure upon Zikruaah Khan for marriage but then his parents (petitioners no. 2 and 3) demanded money by way of dowry and a motorcycle and when her father refused to give dowry he was abused and beaten.

Learned counsel submits that apparently in order to falsely implicate the entire family members a story has been developed that the petitioner no. 1 along with own brother had abducted the informant. It is submitted that if she had been abducted on 14.02.2019, there was no reason as to why her



family members could not go to the nearest police station to inform about her missing, moreover it is not possible to take her Delhi by abducting her. The false implication of parents of Zikruaah Khan is also apparent on the face of the kind of allegations made against them.

Learned counsel for the petitioners further submits that this Court has already rejected the prayer for anticipatory bail of Zikruaah Khan vide order dated 12.12.2019 passed in Cr. Misc. No. 66122 of 2019.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for anticipatory bail of the petitioners. They have submitted that the petitioner no. 1 seems to have participated in abduction of the informant and there are allegations of demand of dowry against petitioners no. 2 and 3.

Having heard learned counsel for the parties and upon considering the submissions of learned counsel for the petitioners which have been taken note of hereinabove, the nature of allegations and the manner in which it has been narrated and there being no information to the Police Station by the family members of the girl that she was ever abducted, let the petitioners above named in the event of their arrest or



surrender within a period of four weeks from today in connection with Kangil P.S. Case No. 22 of 2019 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Bettiah, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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