

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64341 of 2018

Arising Out of PS. Case No.-24 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. Ali Hasan @ Md. Husain, S/o Md. Dilo
2. Md. Naushad, S/o Md. Gulo
3. Md. Gafoor, S/o Md. Nakchhedhi
4. Md. Tanveer, S/o Iliyas
5. Md. Bablu, S/o Md. Ali Hasan
6. Md. Sohrab, S/o Md. Ali Hasan
7. Md. Jibrail, S/o Md. Ibrahim
8. Najo Khatoon, W/o Md. Taiyab
9. Kuresa Khatoon, W/o Ali Hasan
10. Samida Khatoon, W/o Md. Gafoor
11. Chhabiya Khatoon @ Sudha, W/o Md. Taiyab, all are Resident of Village-Sirha, P.S. Sour Bazar, Distt.-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

9 14-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sour Bazar P.S. Case No. 24 of 2018, registered under Sections 366A, 341, 323 and 504/34 of the Indian Penal Code.

The accusation is of enticing away of Kajal Khatoon, aged about 17 years, daughter of the informant, Md.



Akthar by 13 persons named in the F.I.R. including the petitioners.

Learned counsel for the petitioners submits that, in fact, informant and the petitioners are co-villagers and due to love affairs of Kajal Khatoon, daughter of the informant with Md. Tasauwar, she left the house and she was recovered and her statement under Section 164 of the Cr.P.C. was recorded, in which, she stated about her kidnapping but later on, she again left her parental house with Md. Tasauwar, regarding which, Sour Bazar P.S. Case No. 121 of 2018 is instituted under Section 366A/34 of the Indian Penal Code. Thereafter, panchayati was arranged in the village and decision was taken to perform the Nikah. Thereafter, Nikah of Kajal Khatoon was performed with Md. Tasauwar and both are leading their conjugal life and in this regard, a joint affidavit has also been filed by Md. Tasauwar and victim, Kajal Khatoon, in Criminal Misc. No. 14068 of 2019 arising out of Sour Bazar P.S. Case No. 121 of 2018, in which, Md. Tasauwar is petitioner and both Md. Tasauwar and victim, Kajal Khatoon, daughter of the informant, are present in the court.

Learned counsel for the informant submits that, in fact, minor daughter of the informant was enticed away by the



petitioners and Md. Tasauwar to perform the marriage and in course of investigation, police recorded the statement of victim, daughter of the informant, under Section 164 of the Cr.P.C., in which, she has stated about kidnapping of her by the petitioners and Md. Tasauwar.

The victim, Kajal Khatoon admitted in Court about performing Nikah and leading conjugal life with Md. Tasauwar.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar P.S. Case No. 24 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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

