

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76370 of 2019

Arising Out of PS. Case No.-304 Year-2019 Thana- BARAULI District- Gopalganj

1. JALALUDDIN @ JALALUDDIN MIAN Son of Muslim Miya @ Musali Mian Resident of Village - Sarfera, P.S. - Barauli, District - Gopalganj.
2. Najbun Khatoon Wife of Jalaluddin @ Jalaluddin Mian Resident of Village - Sarfera, P.S. - Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barauli Police Station Case No. 304 of 2019, disclosing offences under Sections 366/504/506/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the son of the petitioners, Md. Hussain, has allegedly kidnapped the wife of the informant, along with his three children. It has further been alleged that when the informant went to the house of said Md. Hussain, his father (petitioner no. 1) and his mother (petitioner no. 2) abused



and scolded him.

Learned Counsel for the petitioners has produced the certified copy of the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, which is kept on record.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case inasmuch as the petitioners have not committed any offence in the manner alleged. He, referring to the statement of the victim girl under Section 164 of the Code of Criminal Procedure, 1973, submits that the victim girl has categorically stated that she was not kidnapped by anyone and she, along with her three children, had gone to her sister's house out of her own will.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the victim girl has not stated anything against the accused persons, including the petitioners, in her statement under Section 164 of the Code of Criminal Procedure, 1973, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Gopalganj, in connection with Barauli Police Station Case No. 304 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

