

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74829 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

1. MD. ZAHIR @ RIYAJUL Son of Ainul Miya @ Anul Miya Resident of Village - Barka Gaon, P.S.- Bhagwanpur Hat, Distt.- Siwan.
2. Niyajul Miya @ Neyajul Miya Son of Ainul Miya @ Anul Miya Resident of Village - Barka Gaon, P.S.- Bhagwanpur Hat, Distt.- Siwan.
3. Painter @ Mustak Ali Son of Ainul Miya @ Anul Miya Resident of Village - Barka Gaon, P.S.- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 363,366A and 34 of the Indian Penal Code in connection with Bhagwanpur Hat P.S. Case No. 54 of 2019 (District-Siwan).

As per the allegation in the FIR, it is stated by the informant that his minor daughter Shabnam Khatoon was taken away by his son in law Kaumuddin Alam as well as other accused persons which included these three petitioners.

It is submitted by learned counsel for the petitioners that the statement of the so called victim daughter was recorded under Section 164 Cr.P.C., a copy of which has been brought on



record as Annexure-2 to the application wherein she has categorically stated that she has married with her brother- in-law and both sisters are living with him. It is further submitted that from perusal of the statement under Section 164 Cr.P.C. it would be evident that while the learned Magistrate has estimated the age of the informant's daughter as 18 years, she has stated her age to be 19 years.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, let the petitioners above named be enlarged on bail, in the event of their arrest or surrender within six weeks, on furnishing individual bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Bhagwanpur Hat P.S. Case No. 54 of 2019 (District- Siwan) subject to the conditions stipulated under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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