

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17231 of 2020

Arising Out of PS. Case No.-336 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. ALLAUDDIN MIAN S/o Late Hamid Mian R/o village- Basaha, P.S.- Baikunthpur, District- Gopalganj
2. Akbar Mian S/o Late Hamid Mian R/o village- Basaha, P.S.- Baikunthpur, District- Gopalganj
3. Tazbul Khatoon W/o Allauddin Mian R/o village- Basaha, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-11-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Damodar Pd. Tiwary, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Baikunthpur PS case no. 336 of 2019 registered for the offences punishable under Sections 363, 366(A)/34 of Indian Penal Code.

The allegation is regarding the daughter of the informant namely Anjali Kumari, aged about 14 years having



gone to school for the purposes of studies on 23.12.2019, however when she did not return by evening, the informant and other people had searched for her but they could not find the victim girl, however they found that the accused person namely Eid Mohammad, who used to study with the daughter of the informant, was also missing from his home. It is alleged that the villagers had then disclosed that the said Eid Mohammad and his family members including the petitioners herein had conspired together and kidnapped the daughter of the informant with the intention of marrying them.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that as far as petitioners no. 1 and 3 are concerned, they are the father and mother of the said co-accused Eid Mohammad and as far as petitioner no. 2 is concerned, he is the uncle of the said accused persons. It is further submitted that the petitioners herein have been falsely implicated in the present case without there being any material on record to suggest their complicity in the alleged occurrence.

I have heard the learned counsel for the parties, gone through the materials available on record and perused the



case diary in question, from which it is apparent that the main accused is Eid Mohammad and there is miniscule evidence in the case diary *qua* the petitioners herein so as to connect them with the alleged occurrence. Hence, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Gopalganj in connection with Baikunthpur PS case no. 336 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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