

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66095 of 2019

Arising Out of PS. Case No.-122 Year-2017 Thana- PUSA District- Samastipur

1. Awwda Pravin @ Abeda Praveen, Wife of Md. Taiyab Ali @ Taiyb Ali
 2. Md. Tarik Ajeej @ Tarik Ajeej, Son of Md. Taiyab Ali @ Taiyb Ali
 3. Md. Taiyab Ali @ Taiyb Ali, Son of Md. Hanif
- All are Resident of Village - Bogra, P.S.- Jamuria, Burdwan, District- Bardhaman, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Adv.
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh ,APP
For the Informant	:	Mr. Dilip Kumar Roy, Adv.
		Mr. Hansraj, Adv.
		Ms. Aparajita, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-01-2020 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

The petitioners in this case are seeking anticipatory
bail in connection with Pusa P.S. Case No.122 of 2017
registered for the offences punishable under Sections 323, 34,
363, 364, 366, 379 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that
earlier the prayer for anticipatory bail of these petitioners was
rejected by this Court with an observation that there are specific
allegation against these petitioners and the victim lady is still



traceless. It is submitted that the petitioner nos. 1 and 3 are father and mother of the victim girl and petitioner no.2 is her younger brother. The informant of this case Gautam Kumar had lodged the FIR alleging that these petitioners had kidnapped the victim girl with an intention to kill her, but in course of investigation the victim girl has come back and she has made statement under Section 164 Cr.P.C., copy of which has been brought on record. In her statement before the learned Magistrate, she has categorically stated that she was kidnapped by one Monu Kumar and 4-5 other persons, they had brought her to Patna and from there the ransom call was being made to her father, they were also applied force against her and in her statement she has also stated that in the Bolero vehicle by which she was taken away the informant Gautam Kumar was also present.

Learned counsel submits that the said Gautam Kumar had lodged the present FIR as a defence only because the petitioner no.3 had lodged one FIR against the informant in respect of kidnapping of his daughter. In the said case, police has now submitted a charge-sheet and the informant of this case has been found involved in the kidnapping of the daughter of petitioner no.1 and 2. In these changed circumstances now the



prayer for anticipatory bail has been made.

Learned counsel for the informant has opposed the prayer for grant of anticipatory bail of the petitioners as according to him he has been falsely implicated and the victim girl has been produced only after this Court refused to grant the anticipatory bail to the petitioners. According to him, the victim girl was found on the very next day after rejection of the bail application and the submission is that these petitioners had concealed the victim girl and had lodged a false case against the informant.

Considering the facts and circumstances of the case, so far as these petitioners are concerned, now the Court finds that there is a change of circumstance, the victim girl has come back and her statement has been recorded under Section 164 Cr.P.C. She has, in her statement alleged that the informant of this case was involved in her kidnapping along with Monu Kumar. The police has found the case lodged by the petitioner no.3 against the informant of this case true and a charge-sheet has already been filed.

So far as these petitioners are concerned, they are parents and younger brother of the victim girl, let the petitioners abovenamed in the event of their arrest or surrender within a



period of four weeks from today, be enlarged 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 Additional Chief Judicial Magistrate-VI, Samastipur in connection with Pusa P.S. Case No.122 of 2017, subject to the condition 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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