

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32018 of 2020

Arising Out of PS Case No.-93 Year-2020 Thana- GORAU District- Vaishali

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1. Samsad Begum @ Samsad Khatoon, aged about 46 years, Female, Wife of Md. Sahmad.
 2. Nargis Khatoon, Female, aged about 16 years, Daughter of Md. Samsad. Both residents of Village- Kailakala, PS- Goraul (Katahara OP), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-03-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Vaishnavi Singh, learned counsel for the petitioners and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Goraul (Katahara OP) PS Case No. 93 of 2020 dated 08.03.2020, instituted under Sections 363, 366A/34 of the Indian Penal Code and 8/10 of the Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioners is that they along with two others had gone to the market with the daughter of the



informant and after that she did not return and it is alleged that the petitioners along with four other named accused have kidnapped her for illegal work.

5. Learned counsel for the petitioners submitted that all the family members have been made accused only on suspicion without there being any material to link them to any wrong doing, much less kidnapping the daughter of the informant. It was submitted that Sazan Khatoon @ Shahjahan Khatoon, who is similarly situated to the petitioners has been granted anticipatory bail by a co-ordinate Bench by order dated 25.09.2020 in Cr. Misc. No. 21514 of 2020. Learned counsel submitted that the Hon'ble Court had gone through the case diary and had found that except for suspicion of the informant, no material had come to connect the said petitioners with the disappearance of the daughter of the informant. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that petitioners are alleged to have kidnapped the daughter of the informant with ulterior motive.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six



weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge I cum- Special Judge POCSO Act, Hajipur in Goraul (Katahara OP) PS Case No. 93 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, and (ii) the petitioners shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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