

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35609 of 2020

Arising Out of PS. Case No.-86 Year-2019 Thana- HABIBPUR District- Bhagalpur

1. JULI @ ROKSHANA KHATOON, D/O MD. PAPPU @ MD. NUMAN @ MOHAMMAD NUMAN, WIFE OF HASAN @ MD. ABDUL HASAN, RESIDENT OF VILLAGE HARNA, POLICE STATION - NABADA, DISTRICT- BANKA
2. HASAN @ MD. ABUL HASAN (MALE), SON OF MD. KADIR WIFE OF HASAN @ MD. ABDUL HASAN, RESIDENT OF VILLAGE HARNA, POLICE STATION - NABADA, DISTRICT- BANKA

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Praveen Kumar, Adv.

For the Opposite Party : Mr. Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 29-04-2021 Heard the parties through video conferencing.

The petitioners seek pre-arrest bail in connection with Habibpur P.S. Case No. 86 of 2019 registered under Sections 366 and 363/34 of the Indian Penal Code.

The accusation is that Nazrana and Fiza, both daughter and niece of the informant, Md. Noor, were enticed away by Juli @ Rokhshana Khatoon (petitioner no. 1), daughter of his brother-in-law, in company of her lover Hasan @ Md. Abul Hasan (petitioner no. 2). Informant searched his daughter Nazrana and niece Fiza, but, no trace was found.

Learned counsel appearing for the petitioners submits that petitioner no. 1 (Juli @ Rokhshana Khatoon) and the



informant are relatives. When the petitioner no. 1 moved from house with her lover Hasan @ Abul Hasan (petitioner no. 2), then, Nazrana and Fiza, daughter and niece of the informant, Md. Noor, also accompanied them and all went to Delhi, where petitioner no. 1 (Juli @ Rokhshana Khatoon) performed nikah with petitioner no. 2 (Hasan @ Abul Hasan), thereafter, Nazrana and Fiza, daughter and niece of the informant, returned to house. Statements of Nazrana and Fiza, daughter and niece of the informant, were recorded under Section 164 of the Criminal Procedure Code, which would appear from Annexure 2 series to the supplementary affidavit in which they have stated that both moved with the petitioners, according to their own sweat will and at Delhi where both the petitioners performed nikah, thereafter, both returned to the house. Nazrana and Fiza have not stated any misbehaviour at the hands of the petitioners. Due to wed-lock of petitioners 1 and 2, petitioner no. 1 conceived pregnancy and at present she has a baby in her lap.

On perusal of the statements of Nazrana and Fiza, daughter and niece of the informant, recorded under Section 164 of the Criminal Procedure Code, annexed as Annexure 2 series to the supplementary affidavit, it shows that both had gone to Delhi with the petitioners without giving information, where



they stayed in room about 15 to 20 days, where the petitioners performed nikah and, thereafter, returned. They have not stated about any misbehaviour, physical and mental at the hands of the petitioners, while both were appears to be minor, about about 16 and 15 years.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Habibpur P.S. Case No. 86 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IX, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

