

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40743 of 2020

Arising Out of PS. Case No.-245 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. ABID RAJA KHAN @ ABID REJA KHAN S/o Sakir Khan, Resident of Vill.- Parsauni, P.S.- Bairgania, Distt.- Sitamarhi.
2. Sakir Khan @ Shakir Khan S/o Late Tahir Khan, Resident of Vill.- Parsauni, P.S.- Bairgania, Distt.- Sitamarhi.
3. Jameela Khatoon W/o Sakir Khan, Resident of Vill.- Parsauni, P.S.- Bairgania, Distt.- Sitamarhi.
4. Mu. Sogara Khatoon @ Mu. Shobra Khatoon W/o Late Isha Khan, Resident of Vill.- Parsauni, P.S.- Bairgania, Distt.- Sitamarhi.
5. Sahidul Khatoon @ Shahidul Khatoon @ Rizwana Khatun W/o Bablu Khan @ Bablu Shah, Resident of Vill.- Parsauni, P.S.- Bairgania, Distt.- Sitamarhi.
6. Jasimun Khatoon @ Jasima Khatoon W/o Anish Khan wrongly stated Late Isha Khan, Resident of Vill.- Parsauni, P.S.- Bairgania, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Alok
For the Opposite Party/s :	Mr. Harendra Prasad
	Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

The petitioners apprehend their arrest in connection with Bairgania P.S. Case No. 245 of 2019 registered for offence punishable under sections 363, 366(A)/34 of the Indian Penal



Code.

As per FIR, all the accused persons named in the FIR had kidnapped two grand-daughters, namely, Tarannum Khanam and Saida Khatoon, of the informant.

The learned counsel for the petitioners has submitted that the statement of Saida Khatoon and Tarannum Khanam was recorded under section 164 of the Cr.P.C.. Saida Khatoon, in her statement, has stated that she went for tour in Kalipome along with accused Abid with her own sweet will, whereas Tarannum Khanam has stated that the accused persons have forcibly sitted her in the 'Bolero' vehicle and they took her away. In paragraph no. 7 she has stated that they were Haris and Abid, who forcibly got her sitted in the 'Bolero' vehicle. The learned counsel for the petitioners has further submitted that both the statements are contradictory. On one hand, Saida Khatoon has stated that she went with the accused persons with her own sweet will, whereas Tarannum Khanam has stated that she has been forcibly sitted in the 'Bolero' vehicle. The real fact is that both the girls went with their own sweet will.

The learned Additional Public Prosecutor has opposed the prayer for bail.

Considering the above mentioned facts and



circumstances that Saida Khatoon has stated that none had kidnapped her, but she went with the accused persons with her own sweet will, let the petitioners above named, in the event of their arrest or surrender, within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 245 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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