

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1598 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- TURKAULIYA District- East
Champaran

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SHAHABUDDIN HAWARI @ SHAHBUDDIN HAWARI SON OF LATE
MOHAMDIN MIYAN RESIDENT OF VILLAGE - AJGARI, MASJIDWA
TOLA, P.S. - BANJARIA, DISTRICT - EAST CHAMPARAN.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Asif Kalim, Advocate.
For the State : Mr. Shantanu Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 07-09-2021 As prayed for, through Video Conferencing, let the

learned counsel for the petitioner remove the defect(s), as
pointed out by the office vide its notes dated 04.01.2021, within
four weeks of starting of the Court proceeding in physical mode
in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection
with Turkauliya (Banjaria) P.S. Case No.131 of 2020 registered
under Sections 363, 366, 120(B) and 504/34 of the Indian Penal
Code.

The accusation is that the granddaughters of the



informant, aged about 17 years and 15 years, had gone to Block Office for preparation of Aadhar-Card but both were kidnapped by Vivek Kumar, Santosh Kumar and Shamshad Hawari for the purpose of performing the marriage. On 16.10.2020, after the occurrence, when the informant approached the father of Vivek and Shahabuddin Hawari, the father of Shamshad Hawari, then they abused her and gave threatening of dire consequences.

Learned counsel for the petitioner submits that, in fact, the petitioner is the father of the co-accused Shamshad Hawari, due to that reason, he has also been falsely implicated in this case. Furthermore, in their statements recorded under Section 164 of the Code of Criminal Procedure, the granddaughters of the informant have not disclosed the name of the petitioner and they have denied the allegation of their kidnapping by anyone rather they have stated that they had moved with the co-accused according to their sweet-will due to love affair.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Chief Judicial Magistrate at Motihari, District-East Champaran, in connection with Turkauliya (Banjaria) P.S. Case No.131 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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