

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11387 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- DHANKUND District- Banka

1. Md. Aslam, Male, age about 24 years, S/o- Md Makbul @ Makko, Resident of Village- Ganga Prasad, Mahadevganj Muslim Tola Shambhuganj, P.S. and District- Sahebganj (Jharkhand).
2. Md. Maqbool @ Makko, Male, age about 28 years, S/o- Late Sekh Kamnaddin, Resident of Village- Ganga Prasad, Mahadevganj Muslim Tola Shambhuganj, P.S. and District- Sahebganj (Jharkhand).
3. Md. Latif, Male, age about 35 years, S/o- Md. Abdul, Resident of Village- Ganga Prasad, Mahadevganj Muslim Tola Shambhuganj, P.S. and District- Sahebganj (Jharkhand).
4. Md. Razul, Male, age about 33 years, S/o- Md. Hussain, Resident of Village- Babura, P.S.- Dhankund, District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vibhakar Kumar, Advocate

For the Opposite Party : Mr. Satyadeo Singh Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Dhankund P.S. Case No. 22/2020 for the offence registered under Section 366(A) of the I.P.C.

The prosecution story, in brief, is that the daughter of



the informant, namely, Amina Khatoon, aged about 15 years, was called through Mobile Phone to Bhagalpur for visiting but she was kidnapped there by the petitioners and other. It is further alleged that on 22.02.2020, Amina Khatoon returned after her matriculation examination from Banka and on 24.02.2020, the petitioners and other kidnapped her for the purpose of marriage. The sister of co-accused Md. Chand is married at village Babura with Md. Razul (petitioner no. 4). Razul (petitioner no. 4) has made criminal conspiracy and kidnapped her. Amina Khatoon has taken away cash of Rs. 10,000/-, golden ornaments of five *Bhar* and some valuable with her.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The victim has been recovered and her statement under Section 164 Cr. P.C. has been recorded where she has stated that she had left the house out of her own will.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Dhankund P.S. Case No. 22/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

