

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49150 of 2021

Arising Out of PS. Case No.-221 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. Sabir Mian @ Shabir Mian Son Of Shekh Mohammad Alam @ Alam Mian
R/O Village- Sapahi, Shekh Toli, P.S.- Turkauliya, District- East Champaran
 2. Muslim Mian @ Shekh Muslim Son Of Shekh Sanaullah R/O Village-
Sapahi, Shekh Toli, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 14.03.2021 in the night when the informant along with her daughter (victim) was going to attend nature's call, all the accused persons named in the F.I.R. came and kidnapped her daughter on point of pistol with an intention to marry after changing her religion.

Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the present case, the victim was in love with Faiyaj Mian and both of them wanted to solemnize marriage but on account of feud between the families, they were not able to marry as such the victim eloped with Faiyaj Mian and the informant took the same as an opportunity to falsely implicate the family members, including the relative of Faiyaj Mian. Learned counsel submits that petitioner no. 1 is maternal uncle and petitioner no.2 is father of Faiyaj Mian, it is next submitted that the age of victim in the medical examination has been assessed in between 17½ to 18½ years. The victim has returned and in her statement recorded under Section 164 Cr.P.C. she has given an exaggerated version of the occurrence under parental pressure. Learned counsel next submits that the occurrence took place on 14.03.2021 and the F.I.R. has been instituted after a delay of three days i.e., on 17.03.2021 without any plausible explanation more so when the informant in the F.I.R. itself alleged that she had identified all the accused persons as such there was absolutely no occasion for the informant not to institute an F.I.R. and it absolutely does not stand to reason that father and maternal uncle would go to the place of occurrence for kidnapping a girl for marrying her with his son. It is further submitted that even the matter has been



compromised but the same could not be brought on record.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the fact that the parties have compromised, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 learned court below where the case is pending/successor court in connection with Turkaulia (Raghunathpur O.P.) P.S. Case No. 221 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below before accepting bail bonds of the petitioner shall verify whether a compromise petition has been filed or not. In the event, if no compromise petition is there on the record, the present order shall not be acted upon.

(Satyavrat Verma, J)

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