

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62096 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- SUPAUL District- Supaul

1. MD. IBRAHIM Son of Late Masak Miya Resident of Village - Pathra, Ward No.4, P.s. and Dist.- Supaul.
2. Bahisa Khatun @ Vasiya Khatoon W/o Md. Ibrahim Resident of Village - Pathra, Ward No.4, P.s. and Dist.- Supaul.
3. Ruksana Khatoon D/o Bachcha Miya Resident of Village - Pathra, Ward No.4, P.s. and Dist.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Supaul P.S. Case no. 223 of 2021 instituted for the offence punishable under Sections 341, 323, 366(A), 376(D) of the Indian Penal Code and Section 4/12 of the POCSO Act.

As per allegation in the FIR, while the minor daughter aged about 13 years and his wife were returning from market, in the meanwhile, co-accused Md. Ali along with others have kidnapped his minor daughter in front of his wife for marriage



purpose. During search, parents of the victim girl went to the house of the house of co-accused Md. Ali, petitioner nos. 1 and 2, who are parents of main accused, have threatened of dire consequences to the informant.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioner nos. 1 and 2 are parents of the main accused and petitioner no. 3 is co-villager. Specific allegation of kidnapping is against co-accused Md. Ali and not against the petitioners. After recovery of the victim girl, her statement under Section 164 Cr.P.C. was recorded in which she has asserted that Md. Ali and others taken her away to Chenni and then to Delhi and committed rape. She has not raised any finger upon the petitioners for their complicity.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Supaul P.S. Case no. 223 of



2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Supaul subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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