

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6753 of 2023

Arising Out of PS. Case No.-271 Year-2020 Thana- LALGANJ District- Vaishali

1. MD. TAIYAB SAH @ MD. TAIYAB S/O LATE MD. RAJJAK SAI @ MD. RAJJAK R/v- Gayashpur, P.S.- Paroo, District- Muzaffarpur
2. MD. MUNNA S/O MD. HABIB MIYA @ MD. HABIB R/v- Gayashpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 365 and 34 of the Indian Penal Code.

The informant alleges that he along with his brother had gone to her uncle's place where in the morning his brother had gone to have tea where petitioners were present and they took him and thereafter he did not return.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, it is next submitted that Md. Taiyab Sah @ Md. Taiyab (Petitioner No. 1)



is father of Najmul Khatoon and the brother of the informant was in love with her.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case for the reason that brother of the informant has married to Najmul Khatoon and they are living happily. It is also submitted that from perusal of the FIR it would manifest that the date of occurrence is 11.08.2020 and the FIR came to be instituted on 09.09.2020 without any plausible explanation with regard to delay. Learned counsel next submits that since the informant was not in favour of the marriage, as such, the relationship between his brother and Nazmul Khatoon also deteriorated, it is next submitted that Nazmul Khatoon also instituted Complaint Case No. 981 of 2020 against her husband and other family members including the informant under Section 498A read with other sections.

The learned counsel for the petitioner next submits that this amply demonstrates that the brother of the informant had married Nazmul Khatoon i.e., daughter of the Petitioner no. 1 and the petitioners thus came to be falsely implicated for the reasons recorded hereinabove.

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, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Lalganj P.S. Case No. 271 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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