

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19474 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- MAINATAND District- West Champaran

1. Shekh Saheb Son Of Late Shekh Mustafa Resident Of Village - Padmaula, P.S. - Mainatand, Distt.- West Champaran
2. Alamira Khatoon Wife Of Shekh Saheb Resident Of Village - Padmaula, P.S. - Mainatand, Distt. - West Champaran
3. Sheikh Abbas Son Of Late Sheikh Gafur Resident Of Village - Padmaula, P.S. - Mainatand, Distt. - West Champaran
4. Mustari Khatoon Wife Of Late Shekh Mustafa Resident Of Village - Padmaula, P.S. - Mainatand, Distt. - West Champaran
5. Aaysha Khatoon Wife Of Shekh Arshul Resident Of Village - Padmaula, P.S. - Mainatand, Distt. - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra
For the Informant		Mr. Mahtab Alam
		Mr. Rananjay Kumar
For the Opposite Party/s :		Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 29-08-2023 Heard learned counsel for the petitioners, informant and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that he has filed the supplementary affidavit on 28.08.2023.

3. Office is directed to find out the supplementary affidavit and place it on record.

4. Learned counsel for the petitioners does not want to press this application with regard to petitioner no. 5.

5. Accordingly, this application with regard to petitioner no. 5 is dismissed as not pressed.



6. Now the bail application only survives against petitioner nos. 1 to 4.

7. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366 of the Indian Penal Code and Section 8 of the POCSO Act.

8. Petitioners are said to have kidnapped the daughter of the informant for the purpose of marriage.

9. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the victim has been recovered and statement under Section 164 Cr.P.C. has been recorded in which she has not supported the prosecution case. He submits that there is love affair in between the daughter of the informant with co-accused Shekh Irshad. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

10. Learned APP for the State and learned counsel for the informant opposing the prayer for bail submit that there is compromise in between the parties.

11. Considering the facts and circumstances of the case, let the above named petitioner nos. 1 to 4 in the event of their arrest or surrender before the learned Court below within



a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five 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 Mainatand P.S. Case No. 133 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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