

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26288 of 2022

Arising Out of PS. Case No.-76 Year-2019 Thana- HABIBPUR District- Bhagalpur

1. Md. Junaid Ansari Son Of Md. Jamal Ansari R/O Village- Badri Tola, P.S.- Chausa, District- Madhepura
2. Md. Jamshed Ansari Son Of Md. Jamal Ansari R/O Village- Badri Tola, P.S.- Chausa, District- Madhepura
3. Md. Jamal Ansari Son Of Late Wahid Ansari R/O Village- Badri Tola, P.S.- Chausa, District- Madhepura
4. Rukhsana Khatoon Wife Of Md. Jamal Ansari R/O Village- Badri Tola, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Najmul Hodda, Advocate
For the Informant	:	Md. Anamul Haque, Advocate
For the State	:	Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 15-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

As per the prosecution case, the petitioners abducted



the daughter the daughter of the informant whose age is about 19 years. It is further alleged that all the accused persons abused the informant and demanded Rs. 5,00000/- as rangdari. They threatened to kill the daughter of the informant if the said amount was not fulfilled.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the victim is a major girl who is aged about more than 18 years and has love affair with the petitioner no. 1 Md. Junaid Ansari and they were studying in same coaching institute. The statement of the victim was recorded under Section 164 of the Cr.P.C, in which she has stated that both of them were classmate and were well known to each other for about four years but she has not made allegation of sexual assault on her by the petitioner. She has also not stated the name of the petitioners except Md. Junaid Ansari. Learned counsel has further submitted that as per medical report, there is no sign of sexual intercourse and the medical board also assessed the age of the victim girl as more than 18 years. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners. Learned counsel for the informant has stated that the victim has already solemnized marriage with the petitioner and they are living together.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Bhagalpur in connection with Habibpur P.S. Case No. 76 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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