

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30760 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- BHAPTIAHI District- Supaul

1. BIBI GULSAN @ GULSAN KHATOON @ BIBI GULSAN KHATOON
WIFE OF MD. ASFAK RESIDENT OF VILLAGE - SATHAN PATTI, PO-
LALMAN PATTI, PS- RATANPURA, DIST- SUPAUL
2. MD. AFRAK @ MD. ASFAK SON OF MD. SAHUR RESIDENT OF
VILLAGE - SATHAN PATTI, PO- LALMAN PATTI, PS- RATANPURA,
DIST- SUPAUL
3. MD. SAHIL @ SAHIL SON OF MD. ASFAK RESIDENT OF VILLAGE -
SATHAN PATTI, PO- LALMAN PATTI, PS- RATANPURA, DIST-
SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 At the outset, the learned counsel for the petitioners seeks not to press the present petition qua the petitioner no.3, however, seeks liberty on behalf of the petitioner no.3 to enable him to surrender before the learned Court below, within a period of four weeks from today and avail the privilege of regular bail. Liberty so sought is granted.

The present petition qua the petitioner no.3 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and learned APP for the State.



This is an application for grant of anticipatory bail in connection with Bhaptiyahi P.S. Case No.136 of 2022, registered for offences under Sections 366(A), 341, 323, 504, 506 and 34 of the IPC.

The allegation is regarding the accused persons, including the petitioners herein having kidnapped the victim girl and when the informant had come to their house to enquire about the whereabouts of his daughter, they had assaulted him.

The learned counsel for the petitioners no.1 and 2 has submitted that the petitioners no.1 and 2 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that if anybody might be responsible for kidnapping the victim girl, it may be the petitioner no.3, however, the petitioners no.1 and 2 are not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is no specific



allegation qua the petitioners no.1 and 2 of having kidnapped the victim girl and they are merely the father and mother of the petitioner no.3, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners no.1 and 2 to the privilege of anticipatory bail.

Accordingly, the above named petitioners no.1 and 2 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Bhaptiyahi P.S. Case No.136 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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