

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42944 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Kasmuddin Mian S/O Late Jokhu Mian
 2. Javed Mian @ Lalu Mian S/O Kasmuddin Mian
Both Resident Of Village- Turkaulia Bazar, Ps. Turkaulia, Dist. East
Champaran (motihari)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Chandna, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard Mrs.Kumari Chandna, learned counsel for the

petitioners and Mrs.Indu Kumari Srivastava, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Turkaulia P.S.Case No.244 of 2023, FIR dated
22.02.2023 registered for the offences punishable under Section
366 of the Indian Penal Code.

3. The prosecution case, in short, is that on
13.02.2023 at about 3:00 pm, daughter of the informant/Khushi
Kumari is said to have been kidnapped by the accused persons
including the petitioner with intention to convert her to his
religion while she was going to the house of her neighbour.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the victim was in love with co-accused, namely, Kaish Mian and as per statement of the victim under Section 164 Cr.P.C. that she has performed the marriage in Tees Hazari Court, New Delhi with co-accused, namely, Kaish Mian on 17.02.2023. Learned counsel for the petitioners submits that in view of the aforesaid, the allegation as alleged in the FIR is false and fabricated.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Motihari in connection with Turkaulia P.S. Case No.244 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with



other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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