

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60534 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- BARGAINIA District- Sitamarhi

1. Nuraisha Khatoon @ Nuraisha @ Nuraish Khatoon Wife Of Zabir Vasta Resident Of Village - Chakawa Punarwas, P.S. - Bairgania, District - Sitamarhi
2. Zabir Vasta Son Of Late Rajak Vasta @ Late Abdul Rajak Resident Of Village - Chakawa Punarwas, P.S. - Bairgania, District - Sitamarhi
3. Noorzahan Khatoon @ Noori Khatoon Daughter Of Zabir Vasta Resident Of Village - Chakawa Punarwas, P.S. - Bairgania, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 14-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bairgania P.S Case No. 15 of 2023 dated 18.01.2023 registered for the offence punishable u/s 363, 364, 366(A), 372 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor girl of the informant.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the



bail petition. It is further submitted that petitioners no. 1 and 2 are "samdhi" of the informant. The petitioners are innocent and have committed no offence as alleged. It is further submitted that the statement of the victim, recorded u/s 164 of the Cr.P.C. has not supported the prosecution case, in which she stated that no one had kidnapped her. On suspicion, the petitioners have been made accused in the present case.

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

6. 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-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI (POCSO Act), Sitamarhi in connection with Baargania P.S. Case No. 15 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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