

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55617 of 2023

Arising Out of PS. Case No.-57 Year-2022 Thana- MAIGRA District- Gaya

1. Hasnad Alam Son Of Funan Mian
 2. Hasin Alam @ Hasib Alam Son Of Funan Mian
 3. Sagir Alam @ Sajib Alam Son Of Fulnan Mian
 4. Funan Mian Son Of Jamir Mian
 5. Samida Bibi Wife Of Funan Mian
- All Resident Of Village - Hesra Rampur, P.S. - Maigra, District - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr.S. Jamil Akhtar, learned counsel for the

petitioners and Mr.Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Maigra P.S.Case No.57 of 2022, FIR dated 11.12.2022 registered for the offences punishable under Sections 365,366,448,451,379,504,506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 09.12.2022 at about 11.30 PM, all of a sudden knock the door and all the accused persons entered into the house and took



away Naziya Khanam alongwith them and fled away. It is further alleged that the accused persons also took jewellery and cash Rs.64,500/-.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. In fact the petitioner No.1 was in love with the victim and they have performed the marriage on 15.12.2022 at Jaipur and the petitioner produced the Nikahnma which is contained in Annexure-4 of the supplementary affidavit and petitioner Nos.2 and 3 are brothers of petitioner No.1 and petitioner Nos.4 and 5 are father and mother of petitioner No.1.

5. Considering the aforesaid facts, petitioner No.1 has performed the marriage with the victim, 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, Sherghati, Gaya in connection with Maigra P.S.Case No.57 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) One of the bailors should be the victim, namely, Naziya Khanam, who is the wife of petitioner No.1.

(II) 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.

(III) 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.

(IV) 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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