

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62005 of 2022

Arising Out of PS. Case No.-506 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. Hamida Khatoon, Wife Of Md. Zafir @ Md. Jakir @ Gonaur R/V-
Gopinathpur, P.S- Saraiya, Dist- Muzaffarpur
2. Samina Khatoon @ Sakina Khatoon, Wife Of Md. Aslam R/V- Brahampura
East, P.S- Saraiya, Dist- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
363, 365 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are women and are persons with clean antecedent
and the informant alleges that her married daughter Nitu Kumari
left her house on 20.06.2019 along with these petitioners and
thereafter, she did not return, as such, based on suspicion, it is
alleged that the petitioners abducted her daughter and sold her.

The learned counsel for the petitioners submits that



from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the date of occurrence is 20.06.2019 and the F.I.R. came to be instituted on 29.07.2019 i.e. after a delay of more than 39 days, which creates suspicion on the conduct of the informant in instituting this case.

The learned counsel next submits that the present case has been instituted as a counter-blast to Saraiya P. S. Case No.505 of 2019 instituted by the petitioner no.2 against the present informant wherein she has alleged that the informant assaulted her daughter i.e. petitioner no.1. The learned counsel next submits that petitioners will not abscond rather will cooperate in the investigation and will appear as and when required by the Investigating Officer.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, West, Muzaffarpur in connection with



Saraiya P. S. Case No.506 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, if any application is filed by the Investigating Officer that petitioners, despite giving assurance to this Court, are not cooperating in the investigation, then in that event, the learned District Court would be at liberty to proceed in accordance with law.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

