

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71351 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- DERNI BAZAR District- Saran

1. Kyamuddin @ Kyamuddin Miyan S/O Abdul Rahim Village- Sutihar Tole Rasulpur, Ps. Derni, Dist. Saran
2. Juneb Ali @ Junab Ali S/O Kyamuddin @ Kyamuddin Miyan Village- Sutihar Tole Rasulpur, Ps. Derni, Dist. Saran
3. Hajari Khatoon @ Hajra Khatoon @ Hajri Khatoon W/O Kyamuddin @ Kyamuddin Miyan Village- Sutihar Tole Rasulpur, Ps. Derni, Dist. Saran
4. Mumtaj Miyan @ Mumtaj Ansari S/O Kyamuddin @ Kyamuddein Miyan Village- Sutihar Tole Rasulpur, Ps. Derni, Dist. Saran
5. Guddu Begam @ Gudu Khatoon W/O Naushad Miyan Village- Bhualpur, Ps. Marhowrah, Dist. Saran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bharat Singh S/O Rajnarayan Singh Village- Sutihar Tole Rasulpur, Ps. Derni, Dist. Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Derni P.S Case No. 23 of 2023 dated



20.02.2023 registered for the offence punishable u/s 366A of the Indian Penal Code.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor daughter of the informant on the pretext of marriage.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel further submitted that the victim was not forced to have illicit relationship with another person. It is further submitted that there is no allegation of any overtact against of the petitioners. The victim in her statement recorded under Section 164 Cr.P.C. stated that she had fled away from her house of her own will and solemnized marriage with the co-accused Javed. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

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

7. 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 learned Court concerned, Saran at Chapra in connection with Derni P.S. Case No. 23 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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