

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71564 of 2023**

Arising Out of PS. Case No.-1210 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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MUNNI KHATUN @ MUNNI KHATOON Wife of Md. Nizam Khalifa @
Nezam Khalifa Resident of Village - Mithapur, Police Station- Aanti, District
- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Khatoon Daughter of Md. Ismail Khatoon @ Md. Ismail Resident of
Village - Mithapur, Police Station- Aanti, District - Gaya (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate.
For the Opposite Party/s : Mr. Ajit Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Aryan Singh, learned counsel appearing on

behalf of the petitioner and Mr. Ajit Kumar, learned APP for the

State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1210 of 2016 registered for the
offence punishable under Sections 376, 366, 370(A)(2), 571 and
120(A) of the Indian Penal Code.

3. As per the allegation made in the F.I.R. is that of
kidnapping and committing rape upon the informant. Petitioner
is said to have cooperated her brother Md. Abbas in kidnapping
of the complainant.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is sister of co-accused Md. Abbas against whom it has been alleged that he had kidnapped the complainant and had tried to sell her. The allegation against the petitioner is that she had convinced the complainant to get her married with her brother namely Md. Abbas. Learned counsel further submits that the petitioner is a married lady and resides at different place and no such occurrence as alleged has taken place and just to harass the petitioner, she has been roped in a false case. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner in the complaint filed by the complainant that she had persuaded the complainant to get married, it appears that the complainant was also willing to marry with the brother of the petitioner, however, there is no reference that the petitioner was involved in alleged kidnapping and considering the fact that the complainant herself had shared her desire to marry with the brother of the petitioner, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Complaint Case No. 1210 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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