

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78764 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- AANDAR District- Siwan

1. Azharuddin Khan @ Azruddin Khan @ Ajruddin Khan S/O Hasrat Ali @ Ishrat Ali Resident Of Village- Chandauli Gangauli, P.S. Andar, District- Siwan, Bihar
2. Tarana Khatoon @ Tarana Khamoon Wife Of Azim Khan @ Aziz Khan @ Azamuddin Khan Resident Of Village- Chandauli Gangauli, P.S. Andar, District- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 366, 447, 448, 379, 341, 323, 504, 506 and 34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, informant's daughter was kidnapped by the accused persons for the purpose of marriage. They forcibly tried to forcibly change her religion.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is no specific overt act



against the petitioners. He submits that the statement of the victim was recorded under Section 161 Cr.P.C. in which she has not supported the prosecution case but later on after two days she entirely changed her statement and implicated the petitioners instead. He further submits that from perusal of the medical examination it is clear that there is no injury or evidence of sexual assault was found on the informant's daughter and as per the radio-logical examination, the age of the alleged victim was assessed above 22 years. He submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the by the order of the learned Court below the medical examination of the informant was conducted and the victim girl has supported the prosecution case in the statement recorded under Section 164 Cr.P.C. Hence, they do not deserve anticipatory bail.

6. Considering the arguments of the parties and perusal of the records, I am not inclined to enlarge the petitioners on bail in connection with Andar P.S. Case No. 119 of 2023. Accordingly, their prayer for anticipatory bail is hereby rejected.



7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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