

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6491 of 2024

Arising Out of PS. Case No.-192 Year-2022 Thana- BELA District- Sitamarhi

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1. Karim @ Abdul Karim Son Of Md. Gonaur Ansari @ Gonaur Ansari @
Gonaur Kanhawa R/O-Kanhwa, P.S.-BELA Distt.-Sitamarhi.
 2. Aasmin Khatoon Wife Of Karim @ Abdul Karim R/O-Kanhwa, P.S.-BELA
Distt.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2024 Heard Mr. Uday Kumar, learned counsel appearing
on behalf of the petitioners and Mr. Sanjay Kumar Singh,
learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with Bela P.S. Case No.192 of 2022 dated 05.08.2022 registered
under Sections 363, 366A, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
informant has alleged that his 15 years old daughter was
kidnapped by the accused named therein.

4. Learned counsel appearing on behalf of the
petitioners submits that statement was recorded under Section
164 of the Code of Criminal Procedure, in which victim girl has

stated that she has gone along with the family members and she is ready to go back with her *dewar*. She has also stated in her statement that Md. Sakir is her husband. Her statement has been brought on record by way of a certified copy, is part of the FIR. On this ground, learned counsel appearing on behalf of the petitioners submits that petitioners have no role in the alleged kidnapping and also considering the statement of the victim which has been recorded before the A.C.J.M. that she is married to Md. Sakir, the petitioners deserved to be released on bail.

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

6. Considering the rival submission made on behalf of the parties, as well as, the allegation made in the FIR, which is not specific against the petitioners that they were involved in kidnapping and the statement recorded under Section 164 of Code of Criminal Procedure also did not make out any offence as alleged as the victim herself had stated that she married to one Md. Sakir and she is ready to go with her *dewar* namely Israel, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before

the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge VIth -cum- Special (POCSO Act), Sitamarhi, District-Sitamarhi in connection with Bela P.S. Case No.192 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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