

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27387 of 2024

Arising Out of PS. Case No.-684 Year-2023 Thana- ARARIA District- Araria

Sabina @ Sabina Khatoon D/o Abdul Rahim Resident of vill./Mohalla-
Deoriya Ghat P.S.Araria Distt Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra Ojha, Advocate
For the Opposite Party/s	:	Mr. Madhav Jha, Advocate
For the State	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-06-2024 Heard learned Counsel for the petitioner, Informant
and learned APP for the State.

2. The petitioner is in judicial custody in connection with Araria P.S. Case No. 684 of 2023 for the offence registered under sections 363, 366(A) and 34 of the Indian Penal Code lodged on 10.07.2023 by the informant, Aasma Khatoon.

3. As per the prosecution story, the informant alleged that one Md. Shabbir kidnapped the daughter of the informant when she had gone to attend coaching. The role of the family members including the petitioner has also been attributed. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that her name came up under section 164 Cr.P.C. statement by the girl



alleging that she was also part and parcel of taking her away and was actually on the motorcycle along with the victim girl. He further submits that the girl has subsequently solemnized marriage along with Md. Sabbir, the main accused in this case, she is a lady, is ready to face the trial, do not have criminal antecedent and is in custody since 03.02.2024 (as stated in paragraph 5 of the petition).

5. Learned APP as also the informant opposes the prayer submitting that as per the allegation as also the 164 Cr.P.C. statement, this lady along with other accused had taken her away on the motorcycle.

6. Though there is allegation against this petitioner, it is mainly against Md. Sabbir and according to learned Counsel for the petitioner, subsequently the girl had solemnized marriage with him, she has already suffered by being in custody since 03.02.2024, do not have criminal antecedent, this Court is inclined to extend her privilege of bail.

7. However, if it is found that the statement regarding solemnization of marriage of the victim girl with Md. Sabbir is incorrect, the order shall become infructuous.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned C.J.M., Araria in connection with Araria P.S. Case No. 684 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of her bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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