

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27592 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- KADWA District- Katihar

Shivani Khatoon @ Shaiwani Khatun W/o Md. Domra Resident of Village
Soneli, P.S. Kadwa, District Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 28066 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- KADWA District- Katihar

- 1. JAY PRAKASH SAH S/O LATE DWARIKA SAH R/O VILLAGE-
MURADPUR, P.S- KADWA, DISTT.- KATIHAR., PIN- 855114.
- 2. UJJAWAL SAH S/O JAI PRAKASH SAH R/O VILLAGE- MURADPUR,
P.S- KADWA, DISTT.- KATIHAR., PIN- 855114.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 27592 of 2024)
For the Petitioner/s : None.
For the Opposite Party/s : Mrs. Sucheta Yadav, APP
(In CRIMINAL MISCELLANEOUS No. 28066 of 2024)
For the Petitioner/s : Mr. Anshuman Jaipuriyar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection
with Kadwa P.S. Case No. 242 of 2023 for the offence
registered under sections 363, 366A and 34 of the Indian Penal
Code lodged on 03.11.2023 by the informant, Shama Praveen.



3. As per the prosecution story, the informant alleged that the minor daughter went to school but failed to return and the allegation is that the petitioners herein were behind the said disappearance. Accordingly, the F.I.R.

4. Though, no one has appeared on behalf of the petitioner in the case of Shivani Khatoon @ Shaiwani Khatun (Cr. Misc. No. 27592 of 2024), on the request of the Court, Mr. Anshuman Jaipuriyar who is representing the other set of co-accused (Cr. Misc. No. 28066 of 2024) assisted the Court. According to him, the victim girl subsequently made a phone call stating that she is in Delhi with Chhotu Sah and then disconnected the phone. This fact has been recorded in the order sheet of the learned Sessions Judge. He submits that only because the Chhotu Sah and the minor girl eloped, the family members have been roped in.

5. So far as the other case Shivani Khatoon @ Shaiwani Khatun (Cr. Misc. No. 27592 of 2024) is concerned, she is a lady and allegation is that she used to facilitate meeting of the informant's daughter with Chhotu Sah.

6. Learned APPs' appearing in both the cases oppose the prayer stating that the family members were also behind the disappearance.



7. Taking into account that the prime allegation is against Chhotu Sah, the petitioners in other case are father and son while the petitioner, Shivani Khatoon @ Shaiwani Khatun is a lady, as per the observation of the learned Sessions Judge, the girl made a call that she is with Chhotu Sah in Delhi, they do not have criminal antecedent, F.I.R. lodged, will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory 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., Katihar in connection with Kadwa P.S. Case No. 242 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their



bail bond by the Trial court itself;

(iii) the petitioners 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 their bail bonds;

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

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

