

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42123 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. MD. SHAKIL @ MD. SAKIL SON OF MD. HAMID RESIDENT OF VILLAGE - MASANKHOR, P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 2. MD. AZIZ SON OF MD. GYASUDDIN RESIDENT OF VILLAGE - ADALPUR, P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 3. MD. AZIM SON OF MD. GYASUDDIN RESIDENT OF VILLAGE - ADALPUR, P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 4. RAHISA KHATOON @ MOST. RAHISA KHATOON WIFE OF MD. GYASUDDIN RESIDENT OF VILLAGE - ADALPUR, P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 5. ISRAT KHATOON DAUGHTER OF MD. GYASUDDIN RESIDENT OF VILLAGE - ADALPUR, P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard Mr. Nafisu Zzoha, learned counsel for the
petitioners and the State.

2. The petitioners are apprehending arrest in connection with Kusheshwar Asthan P.S. Case No. 352 of 2023 instituted under Sections 363, 366(A), 379, 504, 506/34 of the Indian Penal Code lodged on 24.10.2023 by the informant, Md. Feroz.



3. As per the prosecution story, the informant alleged that his minor daughter went out to attend nature's call but failed to return. Later, it came to notice that Md. Azam and Md. Shakil have taken her away. When she went to complain, family members of the aforesaid two persons abused/assaulted and there is also allegation of snatching of gold chain. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the girl went out on her own, made statement in this regard that due to regular scolding, she went to her maternal aunt's home. Further submission is that Sonu Kumar is now husband of the victim girl and they have entered into a compromise which is part of the petition as Annexure-2

5. Learned APP though opposes the prayer for bail, concedes that now so far as the anticipatory bail is concerned, Annexure-2 shows that they are married. He however submits that it should be subject to verification by the concerned Court.

6. Considering the aforesaid submissions as also the fact that the case is there, it will be taken to its logical conclusion, so far as the grant of anticipatory bail is concerned, two of the petitioners are ladies while other are family members, the document on record shows that now the marriage has been



solemnized, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that the facts are different/contrary to what has been narrated/supported by Annexure-2, the order shall become infructuous.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Kusheshwar Asthan P.S. Case No. 352 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Biraul at Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 co-operate in the



investigation and make themselves available to the police as and when required;

(iv) 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 the bail bonds;

(v) 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)

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