

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62452 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- PURNEA SADAR District- Purnia

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1. MAINUL HAQUE S/O SAMSUL HAQUE R/O VILLAGE-MAHARAJPUR, RANIBADI, P.S- SADAR, DISTT.- PURNEA.
 2. MUSTARA KHATUN W/O MAINUL HAQUE R/O VILLAGE-MAHARAJPUR, RANIBADI, P.S- SADAR, DISTT.- PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Bhola Prasad, Advocate
For the State : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-08-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 365 and 34 of the Indian Penal Code.

3. As per prosecution case, these petitioners, along with other F.I.R. named accused persons, took away son of informant, namely Zamirul Haque, on the pretext of celebrating New Year and thereafter, demanded Rs. 2,00,000/- for the purpose of marriage of abducted son of informant with daughter of co-accused Najmul Haque and also threatened informant with dire consequences.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that Petitioner No. 1 is own brother and Petitioner No. 2 is sister-in-law of the informant. As a matter of fact, son of informant fell in love with daughter of co-accused Najmul Haque and both of them fled away from their respective houses. It is further submitted that co-accused Najmul Haque has also lodged a case against the informant and his son for kidnapping his minor daughter and only with a view to save his skin from the aforesaid case, this false and concocted case has been lodged. In this case, a counter-affidavit has also been filed on behalf of S.P., Purnea, and in Paragraph No. 6 therein it is stated that the Investigating Officer took statement of minor daughter of co-accused Najmul Haque who stated that Zamirul Haque, who happens to be son of present informant, kidnapped her while she was going to coaching institute and took her to Purnea and raped her. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. and there is specific accusation of kidnapping son of informant against them.

6. Considering the aforesaid facts and circumstances, case and counter-case and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is



allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea, in connection with Sadar (Muffasil) P.S. Case No. 50 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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