

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65755 of 2024

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

1. Nasir Ansari, aged about 24 years, S/O Late Moti Ansari
2. Md. Jamshaid Ansari, Male, Aged about 53 years, S/O Late Jalil Ansari
3. Fatma Khatoon, Female, Aged about 58 years, W/O Late Moti Ansari
4. Aasma Khatoon, Female, Aged about 57 years, W/o Jamshaid Ansari
All are R/O Village- Khairwa Tola (Kanhawa), P.S- Bela, Distt.- Sitamarhi (Bihar).

... .. 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.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-12-2024 Heard Mr. Uday Kumar, learned counsel appearing on behalf of the petitioners and Mr. Md. Matloob Rab, 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 368, 366A and 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. Learned counsel further submitted that similarly situated co-accused persons have also been granted bail by this Court vide Annexure 2. He further submitted 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 deserve 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. Learned District Court 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 Sub-Divisional Judicial Magistrate, 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)

Sanjay/-

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