

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71526 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- SURSAND District- Sitamarhi

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1. Md. Samim, Male, aged about 29 years, Son of Md. Sarfe Alam Ansari, R/O Village-Shankarpur, Ward No. 6, P.S. Sursand, District-Sitamarhi.
 2. Md. Chune Alam, aged about 18 years, Son of Md. Sarfe Alam Ansari, R/O Village-Shankarpur, Ward No. 6, P.S. Sursand, District-Sitamarhi.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Dinesh Jha, Advocate
For the Informant	:	Mr. Madhusudan Rai, Advocate
For the Opposite Party	:	Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sursand P.S. Case No. 07 of 2023 dated 04.01.2023 registered for the offences punishable under Sections 363 and 366A/34 of the I.P.C.

3. As per the prosecution case, on 12.10.2022 at about 5.00 P.M., the petitioners and other co-accused Munna Nadaf



kidnapped the daughter of the informant through Tempo for the purpose of marriage while she was going to the market. Earlier they had also kidnapped the daughter of the informant for which Sursand P.S. Case No. 465 of 2022 was lodged against them.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the alleged occurrence took place on 12.10.2022 as to when the F.I.R. was lodged on 04.01.2023 for which no explanation has been given by the prosecution about the delay in lodging the F.I.R. Earlier the informant had also lodged a case bearing Sursand P.S. Case No. 465 of 2022 dated 12.09.2022 under Sections 341, 323, 354B, 379, 504, 506, 363 and 366A/34 of the I.P.C. against the petitioners and others for kidnapping of her daughter which was found to be false by police after investigation and police submitted final form as 'mistake of fact' and exonerated the petitioners and other accused persons, annexed as Annexures-P2 and P2/1 to the bail petition. It is further submitted that the said victim had already been married with Amul Yadav and the Mukhiya of the village has given a certificate to that effect. It is further submitted that the informant had solemnized marriage of the victim with Amul Yadav who is an over aged person against



her will and the victim does not like her husband and so she always used to flee away from her matrimonial home without giving any information to her relative. The petitioners have one criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and the informant have opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Pupri at Sitamarhi in connection with Sursand P.S. Case No. 07 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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