

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76328 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- TURKAULIYA District- East Champaran

1. RAHMAT MIAN @ RAHMAT ALI SON OF ISHA MOHAMMAD
RESIDENT OF VILLAGE - HIRAPUR, P.S. - KOTWA, DISTRICT -
EAST CHAMPARAN
2. HASMAT MIAN @ HASMAT ALAM SON OF ISHA MOHAMMAD
RESIDENT OF VILLAGE - HIRAPUR, P.S. - KOTWA, DISTRICT -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 81 of 2021 for the offence under sections 363, 366(A)/34 of the I.P.C. and section 8 of the POCSO Act lodged on 31.01.2021 by the informant, Md. Ashraf Sai.

3. As per the prosecution story, the allegation is that on 22.01.2021 while his minor daughter was returning from coaching, the accused persons including the petitioner herein kidnapped her daughter for the purpose of marriage with the petitioner and when informant reached the house of the petitioner, his family members refused to return minor daughter.



Accordingly, the FIR.

4. Learned counsel for the petitioner submits that they reside in different villages, only because they used to interact with Meraj Alam, have been made accused. Further, the said Meraj Alam was granted bail vide Cr. Misc. No. 67708 of 2022 on 18.08.2023 by this Court taking into account that the girl solemnized marriage with him and the couple was blessed with five months old child.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer stating that despite the knowledge of the allegation against them, having preferred the anticipatory bail application in the year 2021 and they came before this Court two years later in 2023.

6. To this, learned counsel for the petitioner submits that being a poor person, they were not in a position to afford to come to Patna High Court, and will be diligently appearing in trial and are ready to accept strict conditions in this regard.

7. Though there is force in the submission of the learned APP that they have delayed in coming to this Court, there is a delay of nine days in lodging of the FIR, Meraj Alam has since been granted bail, they do not have criminal antecedent, are unrelated to Meraj Alam and will be diligently



appearing in trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned 6th Additional Session Judge cum Special Judge POCSO, Motihari, East Champara, in connection with Turkauliya P.S. Case No. 81 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 appear before the concerned police station every fortnight for next six months to mark their attendance;

(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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