

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73887 of 2023**

Arising Out of PS. Case No.-231 Year-2021 Thana- PURNEA SADAR District- Purnia

1. MUMTAZ KHAN @ MUMTAZ ALI KHAN Son of Late Mahmood Khan @ Mashmood Khan R/o vill- Kanaila, P.S. - Muffasil, Distt. - Purnia
2. Munni Khatoon @ Bibi Munni W/o Mumtaz Khan @ Mumtaz Ali Khan @ Bhuttu R/o vill- Kanaila, P.S. - Muffasil, Distt. - Purnia
3. Sanna @ Md. Shahnawaz Son of Mumtaz Khan @ Mumtaz Ali Khan @ Bhuttu R/o vill- Kanaila, P.S. - Muffasil, Distt. - Purnia
4. Md. Pappu @ Aftab Hussain Son of Late Md. Kalim R/o vill- Kanaila, P.S. - Muffasil, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Raj, Advocate  
For the Opposite Party/s : Mr. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      05-03-2024                      Heard Mr. Brij Raj, learned counsel for the  
petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Sadar (Muffasil) P.S. Case No. 231 of 2021 for the offence under Sections 363, 366(A) and 34 of the I.P.C. lodged on 12.05.2021 by the informant, Md. Israel.

3. As per the prosecution story, the informant alleged that in the night, his wife did not find the daughter and upon search it was informed that Md. Imran alongwith other accused has taken her away for the purpose of



marriage. Accordingly, the FIR.

4. Subsequently, the girl returned and in her 164 Cr.P.C. statement, she gave her age to be twenty years and alleged that the family members kidnapped her and later Md. Imran made physical relationship with her in the State of Rajasthan.

5. Learned counsel for the petitioners submits that specific allegation is against Md. Imran and only to implicate the other family members, all have been named on the pressure of the family members.

6. Learned APP opposes the prayer stating that the girl in her 164 Cr.P.C statement has supported the case.

7. Though there is allegation against these accused persons, considering the fact that petitioner No. 01 (Mumtaz Khan @ Mumtaz Ali Khan @ Bhuttu) is around fifty eight years of age and petitioner No. 02 (Munni Khatoon @ Bibi Munni) is a lady, allegation of physical relationship is against Md. Imran and both of them do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

8. So far as petitioner No. 3 (Sanna @ Md.



Shahnawaz) as also petitioner No. 4 (Md. Pappu @ Aftab Hussain) are concerned, considering the aforesaid facts, it would be appropriate that they seek bail.

9. Their anticipatory bail application stands rejected.

10. Let the petitioners No. 01 (Mumtaz Khan @ Mumtaz Ali Khan @ Bhuttu) and petitioner No. 02 (Munni Khatoon @ Bibi Munni) be released on bail in the event of their 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 C.J.M. Purnia in connection with Sadar (Mufassil) P.S. Case No. 231 and 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of petitioner Nos. 1 and 2 should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner Nos. 1 and 2 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 petitioner Nos. 1 and 2 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;

(iv) the petitioner Nos. 1 and 2 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)**

Adnan/-

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