

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78395 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- RAUTA District- Purnia

1. MD. KARIM @ MD. KARIMUDDIN @ KAREEMUDDIN Son of Kaseer
RESIDENT OF VILLAGE - RAHUA, P.S RAUTA DISTRICT PURNEA
2. Shahnawaj @ Md. Shahnawaj Alam Son of Md. Karim @ Md. Karimuddin
@ Kareemuddin RESIDENT OF VILLAGE - RAHUA, P.S RAUTA
DISTRICT PURNEA
3. Bibi Rahina @ Rahina Khatoon @ Rehana Khatoon W/o Md. Karim @ Md.
Karimuddin @ Kareemuddin RESIDENT OF VILLAGE - RAHUA, P.S
RAUTA DISTRICT PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad , Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-04-2024 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 363 , 365 and 34 of the Indian Penal Code .

3. As per the prosecution case, daughter of the informant went missing from her home after a domestic dispute with her in-laws .

4. It is submitted on behalf of the petitioners that petitioner No. 1 is the father-in-law, petitioner No. 2 is the brother-in-law, and petitioner No. 3 is the mother-in-law of the victim, *Rajiya Khatoon*. They are separate in mess and property



with the victim and his husband. These petitioners have no concern with the affairs of the victim or his husband. It is further submitted that the victim, along with her baby, had gone to wash clothes in the river and did not return home. Later, it was found that she took Rs. 45,000 in cash, one golden eye ring, 80 Bhar silver ornaments, etc. and fled away. From the bare perusal of the FIR, it is apparent that the daughter of the informant became traceless on May 5, 2023, and during the course of the investigation, it was found that the victim had called her parents on May 6, 2023, and as such, there is no case of kidnapping of the victim by these petitioners; rather, the victim has concealed herself in connivance with her parents in order to settle a family dispute. F.I.R. has been lodged after the delay of four days which itself creates doubt over the entire prosecution . Hence, no case under sections 363, 365, and 34 of I.P.C. is made against these petitioners. Petitioners claims clean antecedent .

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, 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 the learned Chief Judicial Magistrate , Purnea in connection with Rauta P.S. Case No. 73 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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