

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.186 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- GANDHIMAIDAN District- Patna

1. Shahjadi Praveen @Shahzadi Parveen DAUGHTER OF MD. FAZAL ALI IMAM RESIDENT OF VILLAGE- N. KHAN, PS- DULHIN BAZAR, DIST- PATNA
2. MD. AFSAR ARYAN @ AFSAR KUMAR @ AFSAR KHAN SON OF LATE YADUBANSH SINGH @ MARHUM SEIKH ABDULLAH RESIDENT OF VILLAGE- MAINPURA, SOUTH FROM RAZAPUR POOL, SIDE OF GANGA, NEAR TEMPLE OF SHIVJEE, AFTER TWO HOUSE, PS- SHASTRINAGAR, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pranay Sinha
For the Opposite Party/s	:	Mr.Vinod Shanker Modi
For the informant	:	Mr. Shadab Akhtar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 24-01-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Gandhi Maidan Police Station Case No. 556 of 2023, dated 01.07.2023, disclosing offences punishable under Section 380 of the Indian Penal Code.3. The prosecution case, as per the First Information Report, is that at about 03:40 AM, on 27.06.2023, the informant found that the jewellery, cash of Rs./ 55,000/-, have been |
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stolen from the alamirah of the informant. When the CCTV footage was checked, it was found that the daughter of the maid of the informant, i.e. the petitioner no. 1, had left the house at 03:45 AM, with petitioner no. 2, on a white-coloured scooty. The informant has alleged that he is confident that the petitioner no. 1, along with petitioner no. 2, has stolen the jewellery and cash from his house.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and they have not committed any offence in the manner alleged. He next submits that the entire family of the petitioner no. 1, including her mother, who is the maid of the house, reside in the house of the informant and on the date of occurrence, at about 7 AM in the morning, the petitioner no. 1 performed Nikaah with petitioner no. 2 at Chapra. He further submits that one another First Information Report has been lodged by the mother of the petitioner no. 1 against the petitioner no. 2, stating therein that at about 03:40 AM on 27.06.2023,, when she woke up, she did not find her daughter (petitioner no. 1) on the bed and after search in the CCTV footage, it was found



that the daughter of the informant (petitioner no. 1) was going along with a boy on a white-coloured scooty. It has further been alleged that the boy, with whom the petitioner no. 1 left the house, used to talk with the informant's daughter and he has kidnapped the informant's daughter for the purpose of marriage. He further submits that from the CCTV footage, it appears that at 03:45 AM on 27.06.2023, the petitioner no. 1 was going with petitioner no. 2 on a scooty, for which a First Information Report has been lodged by the mother of the petitioner no. 1, alleging that the petitioner no. 2 allured and kidnapped/abducted her daughter for the purpose of marriage.

5. Accordingly, the submission is that the present First Information Report is concocted and in fact due to love affair, the petitioner no. 1 fled with the petitioner no. 2, for which a First Information Report has been lodged by the mother of the petitioner no. 1.
6. On the other hand, learned Counsel for the informant submits that the mother of the petitioner no. 1 is the maid, working in the house of the informant and all the family members, including the petitioner no. 1, and other



children of the maid are residing in the house owned by the informant at the first floor. He further submits that taking advantage of the access in the house of the informant, the petitioner no. 1, with the help of petitioner no. 2, have stolen the valuables and cash etc. from the alamirah of the informant, which is supported in the CCTV footage. Accordingly, the submission is that custodial interrogation of the petitioners may be necessary in order to unearth the real truth.

- 7. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the CCTV footage, I am not inclined to grant the petitioners privilege of anticipatory bail.
- 8. This application is, accordingly, dismissed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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