

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74437 of 2024

Arising Out of PS. Case No.-334 Year-2023 Thana- SONBERSA District- Sitamarhi

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1. Rahmatullah Shah S/o Ainul Shah R/o vill - Mubarakpur, P.S. - Sonbarsa, Distt. - Sitamarhi, Bihar
 2. Lal Mohammad Shah S/o Late Wajir Shah R/o vill - Mubarakpur, P.S. - Sonbarsa, Distt. - Sitamarhi, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akbari Khatun W/o Md. Jawed Akhtar R/o vill- Bela Mobarakpur, P.S. - Sonbarsa, Distt. - Sitamarhi, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Vinod Kumar, Advocate
		Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-06-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The application for grant of anticipatory bail arises out of Sonbarsa P.S. Case No. 334 of 2023 registered under Sections 341, 323, 363, 366(A), 504 and 34 of the Indian Penal Code and Section 8 of the Protection of the Children from the Sexual Offences Act.

3. As per the allegation, the petitioners along with other co-accused persons kidnapped the informant's minor daughter aged about 16 years. On 08.10.2023, in the evening,



she was returning back to her home from her maternal house Hanumannagar along with her relative.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in this case on account of the fact that the petitioners are the family members of Md. Najam Shah. Md. Najam Shah and the victim girl were in love relationship and they have performed marriage on their freewill which would be evident from the marriage certificate annexed as Annexure-2. He further submits that the victim girl has been recovered and her statement under Section 164 of Cr.P.C. has been recorded before learned Magistrate on 26.04.2025.

5. Learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that petitioners are named in the First Information Report and they in connivance with other accused person kidnapped her minor daughter.

6. Having heard learned counsel for the parties and having gone through the statement of the victim girl recorded under Section 164 of Cr.P.C, it appears that a girl has disclosed her age before the learned Magistrate as 18 years. She has stated that she on her freewill performed marriage with the co-accused Md. Najam Shah. No specific allegation has been made against



these petitioners.

7. Considering the above let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Special Judge (POCSO Act) Sitarmarhi in connection with Sonbarsa P.S. Case No. 334 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Raj Ranjan/-

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