

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79938 of 2024

Arising Out of PS. Case No.-1 Year-2022 Thana- MADHEPUR District- Madhubani

1. Jamshed @ Md. Jamshed @ Jamshed Ansari Son of Darman Ansari Resident of Village - Islamabad Banki, P.S. - Madhepur, District - Madhubani
2. Darman Ansari @ Md. Darman Ansari Son of Late Janat Ansari Resident of Village - Islamabad Banki, P.S. - Madhepur, District - Madhubani
3. Gulshan Praveen @ Gulshan Khatoon Wife of Darman Ansari @ Md. Darman Ansari Resident of Village - Islamabad Banki, P.S. - Madhepur, District - Madhubani
4. Halima Khatoon @ Elima Khatoon Wife of Md. Jamshed @ Jamshed @ Jamshed Ansari Resident of Village - Islamabad Banki, P.S. - Madhepur, District - Madhubani
5. Ladli Khatoon @ Ladli Rukshar Daughter of Darman Ansari @ Md. Darman Ansari Resident of Village - Islamabad Banki, P.S. - Madhepur, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sagira Khatoon W/O Md. Babul R/O Village- ESlamabad Banki, P.S- Madhepur, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rashid Ashraf, Adv. Mr. Jaishankar Kumar Yadav, Adv.
For the State	:	Mr. Jagdhar Prasad, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 30-04-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366(a), 34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

3. The prosecution case is that two persons had come



on a motorcycle and kidnapped the daughter of the informant and the informant got to know on 30.12.2021 that all the petitioners along with the other accused persons allured his daughter and took her away.

4. Learned counsel for the petitioners submits that it would be clear from a bare perusal of the First Information Report that the petitioners are the family members of the main accused Samser Ansari. Only general and omnibus allegations have been imputed against them and the allegation is only specific against two persons who had taken the girl away on their motorcycle and these petitioners are not one of them. Learned counsel for the petitioners has further submitted that the matter between the parties has been compromised and three accused persons including the main accused Samser Ansari have faced separate trial and have also been acquitted in the said case on the basis of the fact that the informant and the victim both have deposed during the course of trial negating the story of the prosecution and the allegations against these accused persons and they have accepted the factum of compromise. This fact would also be evident from the order of the learned court below rejecting the bail application.

5. Learned APP for the State has opposed the



application for anticipatory bail.

6. Taking into consideration the fact that there is general and omnibus allegation against these petitioners and the main accused has already been acquitted, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 the learned court below where the case is pending/successor court in connection with Madhepur P.S. Case No. 01 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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