

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86084 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- DAWATH District- Rohtas

1. Md. Shamim @ Lal Babu, aged about 60 years, Male, Son of Abdul Halim, Resident of Village- Munim Chowkm Buxar, Police Station- Buxar, District -Buxar.
2. Rajiya Khatoon @ Khairun, aged about 50 years, Female, Wife of Md. Shamim, Resident of Village- Munim Chowkn Buxar, P.S.- Buxar, Distt.- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Raghunandan Kumar Singh, Advocate
For the Informant	:	Mr. Ram Binod Singh, Advocate
For the State	:	Mrs. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Dawath P.S. Case No. 224 of 2023 dated 10.11.2023 registered for the offences punishable under Sections 363 and 365 read with Section 34 of the I.P.C.

3. As per the prosecution case, on 26.10.2023 at about 4.00 hours, the minor son of the informant aged about 15½ years went for emersion of goddess Durga but he did not return. It is further stated that earlier Najia Shamim, Md. Shamim



(petitioner no. 1), Rajiya Khatoon (petitioner no. 2) and Kasis Shamim came to the informant's residence on 25.09.2023 and threatened the wife of the informant to marry his son with her or else to pay Rs. 5,00,000/- or she would implicate the family in a false case for which Dawath P.S. Case No. 193 of 2023 was registered. It is further alleged that Najia Shamim and her family members in collusion have kidnapped the minor son of the informant for the purpose of marriage.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the alleged occurrence took place on 26.10.2023 at about 4.00 hours but the F.I.R. has been lodged on 10.11.2023 at about 13.10 hours after a delay of 16 days for which no explanation has been given by the prosecution. There is general and omnibus allegation against the petitioners. It is further submitted that the daughter of the petitioners earlier lodged a case after 19 days against the informant's son Md. Jahir and his family members bearing Mahila P.S. Case No. 56 of 2023 on 08.10.2023 for the offences punishable under Sections 376, 323, 379, 506 read with Section 34 of the I.P.C. It is further submitted that from perusal of the Aadhar Card of the victim Md. Jahir, it appears that the victim is



a major aged about 21 years. It is further submitted that the present false case has been lodged by the informant to save the skin of his son and family members from the earlier case lodged against them. The petitioners have one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody since 08.09.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bikramganj, Rohtas in connection with Dawath P.S. Case No. 224 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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