
(2025) 06 JH CK 0908

In the Jharkhand High Court

Case No : Anticipatory Bail Application No.6209 Of 2024

Md. Jubair Khan

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-06-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482, 484
Indian Penal Code, 1860 — Section 363, 365, 366

Citation : (2025) 06 JH CK 0908

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Sharavan Kumar, Saket Kumar

Final Decision : Allowed

Judgement

Ananda Sen, J.

1. The present anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been preferred by the petitioners apprehending their arrest for the offences registered under Sections 363, 365 and 366 of the Indian Penal Code in connection with Itkhori P.S. Case No. 83 of 2021. The case is pending in the court of the learned Additional Chief Judicial Magistrate, Chatra.

2. The prosecution case, in brief, as per the informant Nawal Paswan is that on 07.07.2021, his 20 years old wife (victim) went missing. Later on, he got to know that Md. Rashid Khan had taken her wife away and he is staying with his aunt.

3. Learned counsel for the petitioners submitted that petitioners are not named in the FIR. He submitted that the informant's wife is major and the only accused named in the FIR is Juvenile and he has been granted bail by Juvenile Justice Board. Thus, on these grounds he prays that the instant anticipatory bail should be allowed.

4. Learned counsel appearing for the State opposes the prayer for anticipatory bail of the petitioners and submitted that as per the statement of the victim petitioner No.5 is the person in whose house she was kept and recovered by the police. Further the victim stated that petitioner No.1 to 4 and 6 are the persons, who threatened her and asked her to give statement before the police as per their wish. From the statements of the victim, it is clear that the petitioners are involved in the offence.

5. From the arguments of the parties and the case diary as also the materials available on record, I find that victim is a major. Further in the opinion of the doctor, there is no evidence of sexual assault upon the victim. Further, the victim from the date of her missing till her recovery had ample opportunity of reporting the matter to the police as she had travelled many places with the main accused which prima facie suggest her consent. Further, there is no evidence which suggest the involvement of these petitioners in taking away the victim. Further, from the record, I find that the main accused has already been granted bail by the Juvenile Justice Board. Considering the aforesaid facts, I am inclined to allow this anticipatory bail application.

7. The petitioners, above named, are directed to surrender before the learned court below within four weeks from the date of receipt of copy of this order and on the event of their surrender or arrest, they shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned Court of Additional Chief Judicial Magistrate, Chatra in connection with Itkhori P.S. Case No.83 of 2021, subject to the condition that one of the bailers should be a close relative of the petitioners and other should be a resident of State of Jharkhand, having sufficient landed property in his name or in the name of his ancestors in which he is having share and to that effect, he has to file an affidavit before the Trial Court indicating his share in the property.