

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42349 of 2015

Arising Out of PS.Case No. -84 Year- 2015 Thana -BARACHATTI District- GAYA

1. Md. Adil Ansari son of Afaque Ansari.
2. Md. Sikandar @ Md. Sikarndar son of Md. Salauddin Khan @ Salauddin Khan both are resident of village- Hamzapur, P.S. Mohanpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are in custody in a case registered under
Section 364, 120(B) and 302 and other allied Sections of the
Indian Penal Code.

It is alleged by the informant that on 5.3.2015 at 8 P.M.
his son Vicky Kumar @ Dhiraj Kumar after taking meal went to
the water tank from his house for sleeping. Next morning the
informant reached at the room of water tank and he found his son
was not there. On enquiry Uday Kumar friend of Vicky told to the
informant that Ashiya @ Gulshan Praveen had talked with Vicky
on mobile and called him on her house. On enquiry Ashiya @

Gulshan Praveen accepted this fact. It is further alleged that while she was talking with the son of the informant some persons came there and took away the Vicky by catching him. The informant suspected that the said girl and her family members with the help of some villagers under conspiracy of each other kidnapped his son.

It has been submitted on behalf of the petitioner that the petitioners have got no criminal antecedent. They are in custody since 23.7.2015. There is no allegation of tampering with the evidence against the petitioners. From perusal of FIR it appears that the petitioners are made accused in this case merely on the basis of suspicion. No motive is said to have been alleged against the petitioners. One Ashiya @ Gulshan Praveen is said to have called the deceased in the night and thereafter he has been missing. Her confessional statement is recorded in para 18 of the case diary. She has not named these petitioners. It is further submitted that the petitioners may be released after completion of six months in custody from 23.7.2015.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the facts aforesaid, let above named petitioners be released, after completion of six months in custody

from 23.7.2015, on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri N.P. Singh, Judicial Magistrate, 1st Class, Sherghati, District- Gaya, in Barachati (Mohanpur) P.S.Case No.84 of 2015.

(Sudhir Singh, J)

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