

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18732 of 2015

Arising Out of PS.Case No. -10 Year- 2014 Thana -BIRPUR District- SUPAUL

Sabir Ansari @ Sabbir Ansari. S/o Late Miyajan Ansari. Resident of Village - Lalpur, P.S.- Birpur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.19257 of 2015

Arising Out of PS.Case No. -10 Year- 2014 Thana -BIRPUR District- SUPAUL

1. Jiyaul Ansari Son of Md. Yusuf Ansari,
 2. Noor Jahan Daughter of Sabir Ansari,
 3. Sulekha Khatoon @ Salkha Khatoon, Wife of Yusuf Ansari,
 4. Tarannum Khatoon, Wife of Jiyaul Ansari,
- All of them are resident of village -Lalpur, P.S. - Birpur, District - Supaul.
5. Md. Salim @ Md. Salim Ansari, Son of Md. Mahmud R/o Village - Baratpur, P.S. - Birpur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.18732 of 2015)

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary(App)

(In Cr.Misc. No.19257 of 2015)

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Opposite Party/s : Mr. U.S.P Singh (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 363, 365/34 of the Indian Penal Code and the fact



that the victim boy Jiyaul Ansari, son of Inus Ansari, the informant, is still missing, this Court would not be inclined to grant privilege of anticipatory bail to the petitioners Jiyaul Ansari, son of Yusuf Ansari and Noor Jahan, daughter of Sabir Ansari who, along with co-accused Arsad Ansari, son of Jainul Ansari were found to be in company in Moinnagar in the State of Uttar Pradesh and were supposed to keep track of the victim boy.

Accordingly, the prayer for anticipatory bail of the petitioners Jiyaul Ansari and Noor Jahan is rejected.

Rest of the accused persons, namely, Sulekha Khatoon @ Salkha Khatoon, Tarannum Khatoon and Md. Salim @ Salim Ansari (petitioners of Cr. Misc. No. 19257 of 2015) and Sabir Ansari @ Sabbir Ansari (petitioner of Cr. Misc. No. 18732 of 2015) having no specific allegation being in company of victim missing boy Jiyanul Ansari would be entitled for privilege of anticipatory bail.

That being so, if the petitioners, namely, Sulekha Khatoon @ Salkha Khatoon, Tarannum Khatoon and Md. Salim @ Salim Ansari (petitioners of Cr. Misc. No. 19257 of 2015) and Sabir Ansari @ Sabbir Ansari (petitioner of Cr. Misc. No. 18732 of 2015) surrender before the court below within a period of four weeks from today, they shall be released 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 Sub Divisional Judicial Magistrate, Birpur at Supaul in connection with Birpur (Bhim Nagar O.P.) P.S. Case No. 10 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and, thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this

ground alone.



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(Mihir Kumar Jha, J)