

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13841 of 2015

Arising Out of PS.Case No. -354 Year- 2012 Thana -ARARIA District- ARARIA

1. Md. Rashid @ Bakrid, S/o Md. Mojibur Rahman
2. Bibi Ujala Khatoon, D/o Md. Mojibur Rahman
3. Md. Safdar, S/o Azhar Hussain
All residents of village - Bansbari, P.S.- Araria, District - Araria
..... Petitioners

Versus

The State of Bihar
..... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Ms. Anuradha Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 23-07-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection
with Araria P.S. Case No. 354 of 2012 registered under Sections
364 and 120B read with 34 of the Indian Penal Code.

It is contended that initially a complaint was filed
which was referred to the police under Section 156(3) of the
Code of Criminal Procedure for investigation pursuant to which
the FIR was instituted. The petitioner no. 2, Bibi Ujala Khatoon,
happens to be the wife of the victim Md. Imtiyaz Alam, whereas
petitioner no. 1, Md. Rashid @ Bakrid, is her brother and Md.
Safdar is her cousin brother. Their names have been given in the

complaint merely on wild suspicion and hypothetical presumption. There is no material to connect the petitioners with the alleged offence.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail to the petitioners. He has submitted that it has come in course of investigation that petitioner no. 2 Bibi Ujala Khatoon did not like her husband Md. Imtiyaz Alam and the witnesses examined in course of investigation have suspected that the petitioners might be involved in kidnapping of Md. Imtiyaz Alam.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 354 of 2012 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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