

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22432 of 2015

Arising Out of PS.Case No. -142 Year- 2014 Thana -DHAMDHAHA District- PURNIA

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Md. Ashique @ Md. Ashique Ansari, S/o Kailu Ansari, resident of Vilalge-
Amari, P.S.- Dhamdaha, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate.

For the Opposite Party/s: Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 120B, 363 and 366A/34 of the Indian Penal Code and the admitted position that the petitioner is the brother of Md. Jalal who is said to have taken away the daughter of the complainant/informant as is also clearly admitted in the statement of several of the persons examined by the police in course of investigation of this case giving possibility of the false implication of the petitioner on account of his filing an earlier criminal case against prosecution party as with regard to his aforesaid brother missing and/or removed from the scene of the family members of the complainant/informant, this Court, taking into account that the petitioner has got no criminal antecedent, would find him entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Md. Ashique @ Ashique Ansari surrenders before the court below within a period of

four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 142 of 2014; subject to the following conditions:

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

(Mihir Kumar Jha, J)

Sujit/-

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