

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36169 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -NAUHATTA District- SAHARSA

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1. Md. Abdul Salam @ Abdul Salam @ Ekhlak Son of Ehsanul Haque
Resident of village - Dhibra, Police Station - Nauhatta, District - Saharsa
2. Md. Rabbani Son of Md. Zakir Resident of village - Chatwan, Police
Station - Nauhatta, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-11-2015

Heard both sides.

The petitioners apprehend their arrest in a case under
Section 364/34 of the Indian Penal Code.

The mother of Md. Meraj, the victim, disclosed that
her son was coming along with the petitioners. Her son telephoned
her son-in-law, Md. Mannan, that they were reaching Saharsa on
27.09.2015. It is further disclosed that when the son of informant
did not reach at Saharsa Md. Mannan, son-in-law of the informant,
enquired from Md. Ekhlak, petitioner No.1, who handed over a
bag containing different articles of the missing boy and disclosed
that Md. Meraj left out somewhere from the company of the
petitioners. It is further alleged that a Panchayat was also held and

the Panches asked the petitioners to search out the missing boy, Md. Meraj, but when they did not search the case was lodged.

The learned counsel for the petitioners submits that there is no evidence to show that the petitioners called the brother-in-law of Md. Meraj. The petitioners have offered explanation that the victim left out from the company of the petitioners somewhere in the journey but from perusal of the FIR as well as the case diary it appears that Md. Meraj telephoned his brother-in-law, Md. Mannan, that he along with his friends had reached at Mansi and they were likely to reach Saharsa very soon. The petitioner No.1 also handed over a bag containing different articles of the victim. Father of petitioner No.1 handed over tickets of general class of three persons. These facts show that the victim Meraj was missing after reaching Mansi from the company of the petitioners and he is still traceless.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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