

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11493 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

1. Dilshad Ahmad Son of Yaqub Miyan
2. Ahsanul Haque Son of Gudari @ Mustaque
3. Afroz Alam Son of Isteyaque Ahmad All resident of village - Pandey Parsa, P.S. Phulwaria, Distt. - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.17504 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

1. Awadh Kishore @ Awadh Kihore son of Ratan Mahato Resident of village- Pandey Parsa, P.s.- Phulwariya (Sripur O.P.), District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20004 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

1. Md. Irfan @ Irfan @ Sanu Son of Md. Jahiruddin Resident of Village- Pandey Parsa, PS Phulwaria, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.11493 of 2016)

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Sakir Ahmad(App)

(In Cr.Misc. No.17504 of 2016)

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

(In Cr.Misc. No.20004 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-06-2016

Heard both sides.

The petitioners apprehend their arrest in Phulwaria P.S. Case No. 142/15, registered for the offence punishable under Sections 363, 364, 365 of the Indian Penal Code. Later on, Section 302, 201, 120B and 34 of the Indian Penal Code were added.

The informant Mustafa Ansari alleged that on 21.10.2015 Miraj Alam took his son Yusuf Ansari from his house, but he did not return. Thereafter, the informant started searching his son when his son was not found he lodged a case on 23.10.2015.

It is submitted that the petitioners are not named in the F.I.R. During the course of investigation Zainulabedin Ansari, Shaukat Ansari and Taiyab Ansari have stated that they saw the petitioners along with Miraj Alam in the village on 21.10.2015 at 7.00 p.m., but Yusuf Ansari was not with them. Even witnesses enquired from Miraj Alam about Yusuf Ansari, but he did not divulge anything. The police recorded the confessional statement of Miraj Alam who is said to have disclosed that the petitioners also participated in the killing of Yusuf Ansari with him. Save and

except confessional statement there is no tangible material to connect the petitioners in the alleged killing of Yusuf Ansari.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that petitioners were seen along with Miraj Alam in the village on the date of occurrence itself.

Considering the facts aforesaid and the fact that save and except confessional statement of co-accused Miraj Alam there appears no tangible material against the above-named petitioners to show that the petitioners participated in the killing of deceased Yusuf Ansari, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Gopalganj in connection with Phulwaria P.S. Case No. 142/15, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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