

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37642 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -DARAUNDA District- SIWAN

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1. Maksood Ansari @ Maqsood Ansari Son of Late Fakaruddin Ansari,
2. Guddu Ansari son of Maksood Ansari @ Maqsood Ansari Both Resident
of Village- Semari, Police Station- M.H. Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-10-2016

Heard learned counsel for the petitioners and the

State.

The petitioners seek anticipatory bail in connection
with Daraunda (M.H. Nagar) P.S. Case No. 84 of 2016, registered
under Sections 366A/34 of the IPC.

The petitioner No.1 and one other accused, namely,
Jaffar Ansari are named in the First Information Report with an
allegation that when the minor daughter of the informant went to
attend the call of nature, she was forcibly kidnapped by them. The
screaming of the victim girl was also heard by the wife of the
informant. The further allegation is that when the prosecution side
went to the house of the petitioner no.1 to find out the daughter, it

is alleged that he not disclosed the address of the victim and admonished him.

Contention of the petitioners is that so far as the petitioner no.1 is concerned, he is father of the two other accused persons, including petitioner no.2 who are said to have conjointly kidnapped/abducted the minor daughter of the informant. In course of investigation, incriminating materials have come but against the two accused persons and not the father. Petitioner no.1 has no criminal antecedents.

Learned APP opposed the prayer and contended that although the petitioner no.1 is not alleged to have kidnapped the victim girl but when the informant went to the house of petitioner no.1, the whereabouts of the victim girl was not given. Till date the victim girl has not been produced.

Looking to the seriousness of the allegations, I am not inclined to extend the privilege of anticipatory bail to the petitioner No.2. His prayer for bail is rejected.

Let the petitioner no.1, namely, Maksood Ansari @ Maqsood Ansari in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Siwan, in connection with Daraunda (M.H. Nagar) P.S. case no. 84 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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