

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.86 of 2016

Arising Out of PS.Case No. -201 Year- 2015 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Md. Ayub Ansari
2. Md. Yakub Ansari Both sons of Aash Mohammad Ansari and Resident
of Village- Fulhara, Salimabad, P.s Sadar Hajipur, Dist Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate
For the State : Mr. Ajit Kumar Singh, APP

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 24-02-2016 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for
the offences punishable under section 365/34 of the Indian Penal
Code.

As per the allegation, the informant and her husband were
living at the parental house of the informant. Then allegedly, the
petitioners went there and asked the husband of the informant,
who happened to be the full brother of the petitioners, to
accompany them as their father wanted to meet him. Informant's

husband went along with them but did not return. It is alleged in the First Information Report that due to the land dispute, the petitioners have kidnapped the husband of the informant.

It is contended on behalf of the petitioners that there is nothing on record except suspicion raised by the informant against them as the only allegation against them is that they went to the house of the informant and informed the husband of the informant that his father wants to meet him. Thereafter, it is contended that the husband of the informant went with them and never returned. However, it is urged that it does not mean that the crime has been committed by the petitioners. That apart, it is submitted that the father of the petitioners as well as the victim has written a letter vide Annexure 3 to the Superintendent of Police, Vaishali at Hajipur categorically stating that his son has not been kidnapped rather he is residing at Kolkata at the address given in the aforesaid letter and he has engaged himself in business of selling bags and he used to say that he will ensure that his brothers would go to jail somehow.

However, when learned counsel for the State could not demonstrate from the case diary that some investigation was carried out after such letter having been written by the father of the petitioners, the Investigating Officers were directed to appear

before this Court. They have filed affidavit stating that for this reason or that reason, they could not investigate the case after Annexure 3 having been written by the father of the victim.

Learned counsel for the petitioners and State have categorically submitted before this Court that chargesheet has not been submitted in this case as yet and the investigation is still continuing.

In above view of the matter, since learned counsel for the State could not point out from the case diary that there is any material on record against the petitioners except the suspicion raised by the informant, let the abovenamed petitioners, namely, Md. Ayub Ansari and Md. Yakub Ansari, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Mahnar Police Station Case No. 201 of 2015 on furnishing bail bond of Rs.10,000/- (Ten Thousand Rupees) each with two sureties of the like amount each till the submission of the police report under section 173(2) of the Code of Criminal Procedure (hereinafter referred to as “the Code”) to the satisfaction of the ACJM-VI, Vaishali at Hajipur, subject to the conditions laid down under sub-section (2) of Section 438 of the Code.

It is made clear that the petitioners would be required to

cooperate in the investigation of the case, failing which the court below would be at liberty to take steps for cancellation of their bail bonds.

(Dr. Ravi Ranjan, J)

SC/-

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