

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56448 of 2015

Arising Out of PS.Case No. -1871 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Aslam, son of Md. Masruddin
 2. Mustaquem @ Md. Mustaquem, Son of Md. Mahiruddin
 3. Md. Nafil, son of Md. Jamruddin
 4. Md. Madhiruddin, son of Late Siraj Ali
 5. Md. Nasriddin @ Md. Nasruddin son of Late Siraj Ali All are resident of Village- Khaira Chandra, P.S.- Narpatganj, Dist- Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Nazim, son of Late Siraj Ali Resident of Village- Khaira Chandra, P.S.- Narpatganj, Distt- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-03-2016 A supplementary affidavit has been filed on behalf of the petitioners. Keep it on the record.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Complaint Case no. 1871 C of 2014 for the alleged offence under Sections 364/120 (B) of the Indian Penal Code.

It is alleged by the complainant that his son Md. Akhtar Ali, aged about 13 years, a student of Class IXth and on the alleged date of occurrence at 1-2 PM. after taking lunch he was sleeping in the house. In the meantime, accused Md. Aslam came



and woke up his son and asked to go with him for walk. His son became ready and went with him. It is further alleged that his daughter, Asma Khatoon, asked accused Aslam that where are you taken her brother. He replied that they were coming from four-lane road. When Md. Akhtar did not return then the complainant enquired about Akhtar and his daughter informed the fact. Thereafter search was made. On next day the complainant asked accused Md. Aslam about his son but he replied that he has not seen his son.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The alleged date of occurrence is 05.06.2014 but the complaint case was filed on 03.07.2014. Delay has not been explained. Prior to institution of the present complaint case, a Sanha was filed by the complainant, which is Annexure-4 to the supplementary affidavit. From perusal of Sanha, it is evident that petitioner nos. 2,3,4 and 5 are not named by the complainant in the said Sanha.

On behalf of the State, it is submitted that petitioner no.1 is named in the Sanha and also in the complaint petition.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to petitioner no.1 (Aslam) and the same is rejected.

So far petitioner nos. 2,3,4 and 5 (Mustaquem @ Md. Mustaquen, Md. Nafil, Md. Madhiruddin and Md. Nasriddin @ Md. Nasruddin) are concerned, let in the event of their arrest or arrest in the court below within a period of six weeks from today, be released 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 Sri Ashish Ranjan, Judicial Magistrate, 1st Class, Araria in Complaint Case No. 1871 C of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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