

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33827 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -AJAMNAGAR District- KATIHAR

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1. Md. Masoor @ Maqusood Alam, son of Late Manwar.
 2. Md. Saboor, son of Late Manwer.
 3. Murshid, Son of Late Mawer.
 4. Md. Saud, Son of Late Manwer Alam.
 5. Mustari Khatoon, D/o Late Manwer. All are resident of Village Khuriyal, P.S. Azam Nagar, District- Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Helal Ahmad, Advocate.
For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 13-12-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Azam Nagar P.S. Case No. 87 of 2016 for the offences instituted under Sections 364 and 120(B) of the IPC.

The prosecution story, in brief, is that the petitioners took the victim to Azamnagar Railway Station and boarded at Mahananda Express Train induced the victim for better earning. After passing some months, the petitioners refused to return back the victim and give his address. Then the petitioners for saving their skin reported the matter to local police. Then the aunt of the



victim filed case for his missing.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have been made accused in the present case due to mistake of fact. Regarding missing of the victim, the petitioner no. 1 had already made complaint vide Annexure-2 before the concerned authority prior to institution of the present case.

On behalf of the State, it has been submitted that the present FIR has been instituted under Section 156(3) of Cr. P.C. and the petitioners are named in the F.I.R. Specific allegation of abduction has been made against the petitioners.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Azam Nagar P.S. Case No. 87 of 2016, pending in the court of learned J.M. Ist Class, Katihar. Anyhow, if the petitioners surrender in the court below the same shall be considered on its own merit without being prejudiced the order of this Court.

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(Sudhir Singh, J)

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