

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15546 of 2016

Arising Out of PS.Case No. -210 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

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1. Md. Iftkhar S/o Late Md. Sajaad, Resident of Village - Barhara Kothi, Maszid Chauk, P.S. - Bahara Kothi, District - Purnia.
 2. Md. Akram Ansari, S/o Md. Seraz @ Md. Serazul Haque, Resident of Village - Khanma, P.S. - Dhamdaha, District - Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Phulen Yadav

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 29-06-2016

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under section 366 (A)/34 of the I.P.C

Allegedly, the petitioner Md. Akram Ansari, co-accused Lutfulla Ansari and Md. Faiyaz Ansari kidnapped Priti Kumari, the minor daughter of the informant. During investigation the victim girl was caught with petitioner Md. Akram Ansari and her statement has been recorded under section 164 of the Cr.P.C. wherein she has stated that Md. Akram Ansari with the help of petitioner no.1 and others kidnapped her and Md. Akram Ansari took her to Panipat where he was caught by the police in the train.



Submission is of false implication and that the victim is major one, she has gone out of her own free will, but under pressure she has given statement under section 164 of the Cr.P.C., she has not stated that any illegal act was committed with her and as such the petitioners who are suffering in custody deserve sympathetic consideration, in this case other co-accused Md. Faiyaz Ansari @ Faiyaz Ansari has been allowed regular bail, whereas, Lutfulla Ansari has been allowed pre-arrest bail by other co-ordinate Benches of this Court, vide Annexure-2 series.

The learned A.P.P. submits that the victim was recovered by the police and the petitioner Md. Akram Ansari was also caught.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the victim has not alleged regarding any sexual harassment committed by any one and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri P.K. Chaudhary, J.M. 1st Class, Udakishunganj (Madhepura) in Bihariganj P.S. Case No. 210 of 2015, subject to the conditions that one of the bailors must be a near relative and another having

sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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