

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23874 of 2017

Arising Out of PS.Case No. -185 Year- 2014 Thana -BAUSI District- PURNIA

- =====
1. Md. Hisam @ Md. Hisham
 2. Md. Manzoor Alam, both sons Fazlur Rahman, both resident of Village- Gotfar, Tola Leluka, P.S.- Bayasi, District- Purnea.
 3. Safikul, S/o Ibrahim,
 4. Firoz, S/o Md. Mofijuddin, Both resident of Village- Gotfar, Fulmasa, P.S.- Bayasi, District- Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 17-05-2017

Heard both sides.

The petitioners apprehend their arrest in Baisi P. S.

Case No. 185 of 2014 registered for the offences under Sections 363, 372, 420 and 120B of the Indian Penal Code.

Prayer for anticipatory bail of the petitioners was earlier rejected vide order dated 22.05.2015 passed in Cr. Misc. No. 16847 of 2015.

Learned counsel for the petitioners submits that the petitioners did not surrender and again filed this anticipatory bail petition only because other accused persons were put on trial and the informant Tasiful Rahman has been examined as PW-3 in Sessions Trial No. 408 of 2015. The informant disclosed that his



daughter became traceless and without disclosing the name of any accused persons, the informant became hostile. Therefore, the petitioners may be enlarged on anticipatory bail.

It appears that prayer for anticipatory bail was earlier rejected on 22.05.2015. There is specific allegation that the petitioners and others kidnapped the minor daughter of the informant and confined her at Jharbadi where the informant saw the petitioners and others. The victim made her statement under Section 164 of the Code of Criminal Procedure and supported the case of kidnapping and forceful marriage with Saddam. On consideration of the aforesaid facts, prayer for anticipatory bail of the petitioners was rejected on 22.05.2015, but the petitioners did not appear for about two years and filed this petition for anticipatory bail on the ground that other accused persons have been put on trial and the informant became hostile.

Considering the facts aforesaid and the fact that the petitioners have been absconding for last two years even after rejection of prayer of their anticipatory bail on 22.05.2015, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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