

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12892 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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Md. Sarwar Hussain @ Md. Sarwar, son of Md. Munowar Hussain @
Munowar Master, resident of Village- Chandrapur, P.S.- Shahkund, Distt-
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-03-2017 This is an application for grant of anticipatory bail
for offences punishable under Sections 363 and 365/34 of the
Indian Penal Code.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that
there is nothing against the petitioner except suspicion. Petitioner
is named in the F.I.R. Informant is not the eye witness to the
occurrence. He has stated that he came to know from the villagers
that petitioner and other accused persons have taken his son but
during the course of investigation and in the case diary nothing has
come to show that any witness has stated regarding petitioner's
involvement about taking of the victim boy. It has also come that
another co-accused who is already named in the F.I.R. has not



been sent up by the police and final order has been submitted against him.

Heard learned A.P.P. as well as learned counsel for the informant. They could not controvert the above fact.

Having heard both sides, in view of the submission made above and the same could not be controverted by the learned counsel for the informant, let above named petitioner surrender in the court below, i.e., learned C.J.M., Bhagalpur, in connection with Habibpur P.S. Case no. 39 of 2016 within a period of two weeks, and on his surrender, the court below will enlarge the petitioner on bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) with two sureties of the like amount each to its own satisfaction, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and also subject to the conditions that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the investigation and make himself available before the police as and when required. (3) if after submission of chargesheet any incriminating material is found against the petitioner, prosecution will be at liberty to move for cancellation of bail granted to the petitioner.

With the above observation this application stands



disposed of.

(Birendra Kumar, J)

Arvind/-

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