

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4837 of 2017

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

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1. Md. Safdar Hussain @ Md. Safdar, Son of Md. Munowar Hussain.
 2. Md. Firdaus @ Md. Firdaus Alam, Son of Shahjahan, Both are the 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, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

For the Informant : Mr. S. M. Ashraf, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 02-03-2017 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 petitioners.

It has been submitted on behalf of the petitioners that there is nothing against the petitioners except suspicion. Petitioners are 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 petitioners 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 petitioners' 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 petitioners 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 their surrender, the court below will enlarge the petitioners on bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) each 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) petitioners shall cooperate in the investigation and make themselves available before the police as and when required. (3) if after submission of chargesheet any incriminating material is found against the petitioners, prosecution will be at liberty to move for cancellation of bail granted to the petitioners.

With the above observation this application stands disposed of.

(Vinod Kumar Sinha, J)

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