

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30610 of 2017

Arising Out of PS.Case No. -364 Year- 2016 Thana -NAWADA District- NAWADA

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1. Md. Salim @ Salim Ansari,
 2. Md. Mustafa Ansari,
 3. Md. Murtaza Alam @ Md. Murtaza Ansari,
 4. Md. Nasiruddin @ Md. Nasiruddin Ansari, all are son of Abdul Karim Ansari, resident of Village- New Azad Mohalla- Bhadouri, P.S.- Nagar Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

Mr. Birendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-08-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Nawada Town P.S. Case No.364 of 2016 instituted for the offence under Section(s) 363, 364, 379, 120-B Indian Penal Code.

It has been submitted on behalf of the petitioners that except suspicion there is no material against the petitioners.

It is alleged in the written report that son of the petitioner, namely, Azam Jha @ Vicky, aged about 16 years went out of the house on 28.06.2016, but did not return.

During investigation, Investigating Officer came to know that a dead body has been recovered at Giridih. Post



mortem was done at Giridh and a UD case was registered there. The dead body was identified by the informant as the dead body of his son.

Case diary was called for, which has been received.

Counsel for the informant submits that the informant in his statement under Section 164 Cr. P. C., which finds mention in para 63 of the case diary, has taken name of these petitioners. It is mentioned in the statement that the deceased son of the informant had love affair with the daughter of Halim Ansari, namely, Shahin Praveen. These petitioners are the brother of Halim Ansari.

Post Mortem Report and the Inquest Report are available with the case diary, wherein, age of the deceased is mentioned as 40 years. In the written report, age of the victim has been given by the informant to be 16 years.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Nawada Town P.S. Case No.364 of 2016, they shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) each with two



sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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