

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54581 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -MINAPUR District- MUZAFFARPUR

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Khursad Ansari @ Khursid Alam, Son of Subhan Miyan, Resident of
Village- Piprahan, P.S.- Meenapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **G.R. No. 424**
of 2017 arising out of Meenapur P.S. Case No. 23 of 2017
instituted for the offence under Section 365/34 of the Indian Penal
Code.

It is alleged by the informant Maya Devi that on
5.11.2016 at about 8:00 a.m. accused Akshay Kumar Singh came
to her house. He took her son Som Kumar, aged about 20 years
with him. Her husband asked him where he is taking his son, upon
which, he replied that he is coming soon. It is further alleged that
when her son did not return to his house, her husband went to the
house of accused Akshay Kumar Singh to enquire about his son,
whereupon the father of accused Akshay Kumar Singh told that



they went outside for searching job. It is alleged that on 28.12.2016, when accused Akshay Kumar Singh came to his house and the son of the informant did not return, it created suspicion in mind of informant. Thereafter, the informant and her family members started searching her son Som Kumar and during course of search, the informant came to know that her son and accused Akshay Kumar Singh went to the house of one Md. Reyaz on 5.11.2016. It is further alleged that on the same day, Md. Reyaz took a Motorcycle from one Naresh Ram and he along with Akshay Kumar Singh had taken his son on the said Motorcycle and till date her son and Md. Reyaz did not return to their house. The informant suspects that her son was kidnapped and killed by the accused persons.

Learned counsel for the petitioner has submitted that in the First Information Report the informant has merely raised suspicion against this petitioner. It has further been submitted that cause of implication of this petitioner is that prior to lodging of the instant case, the wife of the petitioner had filed informatory petition on 3.2.2016 before Sub Divisional Officer, Muzaffarpur (East), against the informant and his family members.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail.



Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **G.R. No. 424 of 2017 arising out of Meenapur P.S. Case No. 23 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Muzaffarpur**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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