

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62074 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- BASANTPUR District- Siwan

Israt Ansari @ Israt Ansari, Son of Gulam Sadique, Resident of Village
Khawaspur, P.S.- Basantpur, Lakri Nabiganj, O.P. District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366A/34,376,211,506 and 120B of the IPC and Sections 6 and 8 of the Prevention of Children from Sexual Offences Act.

The prosecution case as per the written report of Nurul Hoda dated 6.5.2018 submitted to the SHO, Lakri O.P. is to the effect that on 24.4.2018 at about 7 P.M. the daughter of the informant, namely, Shabnam Khatoon aged 13 years, went to ease towards north to the house near canal, where four persons, namely, Usman Ali, Upasun Mian, Khusbun Nisa and Noor Hasan alias Gopal Mian along with three persons abducted her on Bolero vehicle. Subsequently, the victim was recovered and she made her statement under Section 164 Cr.P.C. where she got her age recorded as 20 years whereas the court assessed her age as 18



years where she stated that she was being kidnapped by Jahir Hussain Darji, Hasnain Mian Darji, Murshid Ansari and Birendra Mukhia and subsequently co-accused Birendra Mukhia and Murshid Ansari ravished her.

It is submitted by learned counsel for the petitioner that the petitioner was neither named in the FIR nor in the statement under Section 164 Cr.P.C., but subsequently, the informant raised suspicion against the petitioner as one of the conspirators at the belated stage. It is further submitted that co-accused Upasu Mian alias Upasun Miyan has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.9.2018 passed in Cr. Misc. No. 57055 of 2018 though he was named in the FIR but was not named by the victim in the statement under Section 164 Cr.P.C.

Learned APP submits that the petitioner has subsequently been named by the informant.

Considering the fact that the informant raised suspicion of petitioner's involvement much after lodging of the case, coupled with the fact that the petitioner has neither been named by the victim in her statement under Section 164 of the Cr.P.C. nor has he been named in the F.I.R. and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named



be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge Ist-cum-Special Judge, Siwan in connection with Basantpur P.S. Case No.142 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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