

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66749 of 2018

Arising Out of PS. Case No.-33 Year-2005 Thana- CHHAURADANO District- East
Champaran

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1. Md. Hassan,
2. Basir Ansari @ Basrullah @ Basir Alam,
Both Sons of Late Islam Ansari, resident of Village-
Budhwara, P.S.- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-12-2018 The petitioners seek bail in anticipation of their

arrest in connection with Chhauradano P.S. Case No. 33 of

2005, dated 20.04.2005, instituted for the offences under

Sections 366A/34 and 120-B of the Indian Penal Code.

A 13 years old daughter of the informant did not

come back home after she had gone out to attend the call of

nature. The hands of the petitioners and others were



suspected by the informant. The police, after investigation, submitted charge-sheet only against one Khalil Mian, whereas the petitioners were given a clean chit and final form false was submitted in their favour. Differing with the police report, cognizance has been taken against the petitioners as well.

The learned counsel for the petitioners has drawn the attention of this Court to the fact that aforesaid Khalil Mian was put on trial for the offence and has since been acquitted.

The victim has also made a statement under Section 164 Cr.P.C., wherein she has not named petitioner No. 1, but has named petitioner No. 2.

Considering the fact that one of the accused persons, who was put on trial, has been acquitted because of positive evidence and in the first round of investigation, the complicity of the above named petitioners could not be found, they, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order,



are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Raxaul, Motihari in connection with Chhauradano P.S. Case No. 33 of 2005, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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