

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76854 of 2018

Arising Out of PS. Case No.-12 Year-2012 Thana- MAKER District- Saran

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1. Tahir Miyan @ Tahir Hussain @ Takir Hussain and Ors Son of Late Md. Jahiuddin Miyan,
 2. Mumtaz Miyan @ Md. Momtaz, Son of Late Suddin Mian, null
 3. Azmat Miyan @ Azmat Hussain, Son of Md. Safin Miyan, All resident of Village- Phulwaria Kapshahar, Police Station- Maker, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Respondent/s : Mr.Sri Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-01-2019 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Maker P.S. Case No. 12 of 2012, disclosing offences under Sections 364/34 of the Indian Penal Code.

The petitioners were not named in the first information report, which was registered on the basis of written statement of the informant recorded on 07.03.2012. She alleged that five persons, namely, Md. Samsuddin Mian, Zafar Mian, Roza Mian, Safi Mian and Ajmat Ali, had come to the house of the informant and kidnapped her husband, the victim. The victim had subsequently been recovered, whose statement has been recorded under Section 164 of the Criminal Procedure



Code. In his statement under Section 164 of the Criminal Procedure Code, he has mentioned names of these petitioners, whose names were not mentioned by the informant at the time of filing of the First Information Report except petitioner no. 3, Ajmat Miyan. In his statement under Section 164 of the Criminal Procedure Code, the victim has stated that that he was kidnapped by those persons named in the statement under Section 164 Cr.P.C and was mercilessly beaten up and thereafter released. The statement under Section 164 of the Cr.P.C. came to be recorded on 14.01.2016, nearly four years after the date of registration of the First Information Report. According to the statement of the victim himself, he after being released from the clutches of the kidnappers, had gone to Delhi, from where he returned 3-4 months thereafter.

Considering the facts and circumstances of the case, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Chapra, Saran in Maker P.S. Case No. 12 of 2012, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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