

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25174 of 2019

Arising Out of PS. Case No.-133 Year-2015 Thana- KATORIYA District- Banka

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1. YUSHUF ANSARI aged about 38 years, Male, Son of Gafoor Miyan
 2. Salim Miyan @ Md. Salim Ansari aged about 27 years, Male, Son of Gafoor Miyan
- Both are resident of village - Dhoriyatari, P.S.- Katoria, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Katoria P.S. Case No. 133/2015 registered under Sections 365/34 of the Indian Penal Code.

It is the prosecution case that the son of the informant was married about nine years ago in the district of West Bengal and thereafter he was married to one Rabina Khatoon. From the first marriage he had been blessed with a daughter who is now about five years old. After second marriage the son of the informant was staying with his wife at Rajasthan, but thereafter the second wife had suffered a stroke of paralysis, then he along with second wife came to Bhelwa for treatment. The informant



alleges that he was informed by the second wife of his son that Aftab Ansari (son of the informant) had gone to earn his livelihood but then informant wanted to establish contact with his son, he came to know that the accused persons had kidnapped his son on 17.05.2015.

Learned counsel for the petitioners submits that this petitioner happened to be the brother-in-law of the son of the informant. There is no basis of his implication, and in course of investigation the location of the mobile number of the son of the informant has been found as that of Uttar Pradesh and sometimes in Rajasthan. Learned counsel submits that petitioner has got no criminal antecedent and till now no material has been collected against him in course of investigation.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners, however it is submitted that in the case diary no statement of independent witness has come.

In the facts and circumstances of the case, considering that no independent material has been collected against the petitioners in course of investigation so far, this court directs that in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees



Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Katoria P.S. Case No. 133/2015, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

The petitioners will report to the Investigating Officer within a period of four weeks from today and will cooperate in course of investigation. If the petitioners fail to appear before the Investigating Officer within the aforesaid period of four weeks and cooperate in course of investigation, the Investigating Officer shall take an appropriate steps for cancellation of bail bond.

(Rajeev Ranjan Prasad, J)

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