

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33381 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- DHANHA District- West Champaran

1. MUSTAFA ANSARI @ MD. MUSTAFA ANSARI Son of Jumai Ansari @ Jumai Miyan.
2. Jafrul Ansari @ Md. Jafirul Haque Ansari S/O Mustafa Ansari @ Md. Mustafa Ansari.
3. Mafrul Ansari @ Md. Mufijul Haque Ansari @ Matrul Ansari S/O Mustafa Ansari @ Md. Mustafa Ansari.
4. Jayayul Ansari @ Md. Ziaul Haque Ansari S/o Mustafa Ansari @ Md. Mustafa Ansari.
5. Noorjahan Khatoon W/o Mustafa Ansari all Resident of Khalwa Patti, Kathar Tola, P.S.- Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-08-2019 Heard learned senior counsel for the petitioners,

learned senior counsel for the informant and learned Additional

Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 302, 201
and 120B of the Indian Penal Code.

Prosecution case, in brief, is that there is love affair in
between the Shakil Ansari and Rukhsana Khatoon since 6
months and both were willing to marry with each other. But



Mustafa Ansari and his wife were making objection under conspiracy the accused called Shakil Ansari at Khalwa Patti Village by sending mobile message, on mobile no. 8788601830 and 7564824146 to meet with Rukhsana Khatoon. The nephew of informant namely, Shakil Ansari went to Khalwa Patti along with Azaharuddin Ansari, but he did not found available her. Thereafter the accused said that Rukhsana is present at the house located in village Banbirpur (Basahiya) U.P. and the accused proceeded along with Shakil Ansari, in the meantime, Shakil Ansari said his nephew that he will return in one hour, you may go at your house, thereafter Azaharuddin returned back at his house. It is said that while Shakil Ansari not returned in one hour, then Azaharuddin informed to Mahatab Ansari, after that Mahtab Ansari and Naushad Ansari proceeded toward Banbirpur (Basahia) and reached near the house of accused, heard that Shakil was crying inside the house, the witness dialed to police on 100 number, but police did not came. The other witnesses also saw the accused along with Shakil Ansari, who were going towards Banbirpur. The accused are not available at their house so, the informant has got faith that in order destroy the evidence, the accused have disappeared his dead body. On the basis of written petition, the instant case has been registered.



It has been submitted on behalf of the learned senior counsel for the petitioners submits that the petitioners are innocent and have committed no such offence as alleged against them. He submits that their implication is false, absurd and imaginary and due to ulterior motive and bad blood, this case has been hatched up which is baseless and far away from truth. From the perusal of written complaint petition, this case is looking false on its own face because, while Azaharuddin Ansari came at his house, how saw that petitioners were taking away Shakil Ansari and while other witnesses heard the crying sound of Shakil inside the house, why not they entered in house or called the neighbour. Learned senior counsel further submits that the occurrence took place on 02.01.2019 but no F.I.R. has been lodged by the informant rather a complaint petition has been filed by the informant before the A.C.J.M., Bagaha on 09.01.2019 after delay of 7 days and on the basis of complaint petition, the police registered the present case under Section 156(3) Cr.P.C. Learned senior counsel further submits that there is no cogent evidence in the whole case diary to connect the petitioners in the present case.

Learned senior counsel for the informant submits that the written complaint against the accused persons has been filed



on 03.01.2019 and 08.01.2019 but the police has not lodged the F.I.R. against the accused persons. Thereafter, the informant filed the complaint petition on 09.01.2019 before the A.C.J.M., Bagaha.

From perusal of the case record and case diary, it is apparent that there is direct and specific allegation for committing murder of Shakil Ansari. In para 2, the informant has supported and corroborated the prosecution story in his restatement. In para 3, 4, 5 and 6, witnesses have also supported and corroborated the prosecution story in their statement before the police. In para 21 of the case diary, police has examined the call record of mobile no. 8271722257 and 8788601830 and found that Rukhsana Khatoon and victim Shakil Ansari had talked on 02.01.2019 with each other on the said mobile numbers. In para 16 of the case diary, it was found that there is dry blood clot on the place of occurrence. Dead body of the deceased Shakil Ansari has not been recovered upto now. The offence is heinous in nature and against the society.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Dhanaha P.S. Case No. 10 of 2019 pending



before the court of the learned A.C.J.M., 1st Bagaha, West
Champaran.

Accordingly, the application is dismissed.

(Anjani Kumar Sharan, J)

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