

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76274 of 2018

Arising Out of PS. Case No.-87 Year-2016 Thana- GHORASAHAN District- East
Champaran

-
1. Hussain Ansari, S/o Late Japi Ansari,
 2. Aisha Begum, W/o Hussain Ansari,
 3. Rustam Ansari, S/o Hussain Ansari, All are R/o Village- Lalua, P.O.-
Nimoiya, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Usha Kumari-1

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366(A), 34 and 376 of the IPC and Section 4 of the POCSO Act.

The prosecution case, as per the written report of Md. Masrool Ansari, submitted to the Station House Officer, Ghorasahan Police Station, is to the effect that on 28.03.2016 at about 12.00 P.M. the sister-in-law of the informant Rukhsana Khatoon was kidnapped by six accused persons. On protest



being made, all the accused persons started abusing the informant and threatened to kill him.

It is submitted by learned counsel for the petitioners that in her statement recorded under Section 164 of the Cr. P.C., the victim girl levelled allegations only against Shabana Khatoon, Sohrab and Rehaj. However, the petitioners are not named by the victim in the statement recorded under Section 164 of the Cr. P.C. It is further submitted that cognizance has been taken against the petitioners but they were not sent up for trial, though statement to that effect has not been made in the petition. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that petitioners are named in the FIR.

Considering the fact that in 164 Cr. P.C. statement the victim girl does not named petitioners, they were not sent up for trial even after the conclusion of the investigation, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned **1st Additional Sessions Judge, East Champaran, Motihari**, in connection with **Ghorasahan P.S. Case No. 87 of 2016**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

