

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50511 of 2019

Arising Out of PS. Case No.-63 Year-2018 Thana- SURSAND District- Sitamarhi

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1. MD. MUMTAJ Son of Israfil Ansari Resident of Village and P.O. Malahi P.S. Sursand, District- Sitamarhi.
 2. Md. Majanu @ Majrul Ansari Son of Islam Ansari Resident of Village and P.O. Malahi P.S. - Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sursand P.S. Case No. 63 of 2018 registered for the offence punishable under Sections 363 and 366(A) of the Indian Penal Code.

The case of the prosecution is that the daughter of the informant had been missing for some days and when he tried to locate her, he could not find her. However, it appears that subsequently, the victim girl was recovered and she has also made her statement under Section 164 Cr.P.C. before the learned Magistrate wherein it has been stated that two months back, she was taken to Ludhiana by the petitioner and one other co-



accused person where she was kept in confinement.

The learned counsel for the petitioners has submitted that a bare perusal of the statement made under Section 164 Cr.P.C., before the learned Magistrate, would show that the victim girl had ample time to raise an alarm in case, she was being forcibly taken away by the petitioner and the other co-accused person, however, no such alarm was raised by the victim girl and in fact, she had voluntarily gone with the accused persons, whereafter she had come back to her parent's place and in fact, the aforesaid statement of the victim girl would further show that there is no allegation of any untoward incident having taken place with her qua the accused persons. It is further submitted that the petitioners are having a clean antecedent and in case, the privilege of anticipatory bail is granted, they would regularly appear before the learned court below on each and every date so fixed.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 63 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners would appear before the learned court below on each and every date so fixed and in case of two consecutive defaults, the present privilege of anticipatory bail being extended to the petitioners would stand cancelled automatically and the petitioners would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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