

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54495 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- KASMA District- Aurangabad

Md. Jabid Ansari, Son of Md. Aalamgir Ansari @ Md Imamuddin Kadri @  
Jawahar Ansari, Resident of Village - Dhudhuuaa, P.O.- Chiraila, P.S.- Kasma,  
District – Aurangabad. ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL ORDER**

3      04-12-2019                      Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 22 of 2019, dated 24.03.2019, registered at Police Station- Kasma, District-Aurangabad, under Sections 366A read with Section 34 of the Indian Penal Code.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is the case of the prosecution that Md. Atibullah Ansari abducted the prosecutrix, who at the time of the alleged crime, i.e., 19.03.2019, was a minor. As per the FIR, the present bail applicant, namely, Md. Jabid Ansari, assisted the main accused Md. Atibullah Ansari in the crime.

Prima facie, nothing is produced to highlight



petitioner's direct involvement in the crime. The investigation is complete. No recovery is sought to be effected.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 01.06.2019; no custodial interrogation is required and has fully cooperated in the investigation.

It is seen that the main accused is still behind bars and the prosecutrix is well settled in life. Prima facie, the complicity of the accused appears to be not emanating from the record. It is not the case of the prosecution that the prosecutrix and the main accused were not known to each other from before.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.



Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad in connection with Kasma P.S. Case No.22 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.



Petition stands disposed of in the above terms.

**(Sanjay Karol, CJ)**

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