

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8560 of 2020

Arising Out of PS. Case No.-166 Year-2017 Thana- BHARGAMA District- Araria

1. MD. TAIMUR Son of Late Gaisul Resident of Village - Naya Bhargama Ward No. 4, P.S.- Bhargama, District- Araria
2. Md. Jawed Son of Md. Taimur @ Md. Taimul Resident of Village - Naya Bhargama Ward No. 4, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-06-2020 The present case was heard yesterday at length and today, it has been placed before this Court for orders.

This is an application for grant of anticipatory bail in connection with Bhargama P.S. Case No. 166 of 2017, registered for the offence punishable under Sections 364 and 120(B) of the Indian Penal Code.

The case of the prosecution is that the accused persons including the petitioners had taken the son of the informant, namely, Md. Izhar along with them to Delhi to earn money, however, when they had come back to the village on several occasions, they had not brought the son of the informant along with them and whenever the accused persons were asked by the



informant about his son, they used to assure that they would send his son back to his house when they go back to Delhi, however, despite passage of several years, the son of the informant did not return back to his house.

The learned counsel for petitioners has submitted that the petitioners have been falsely implicated in the present case, though, they have got no complicity in the matter and they are having a clean antecedent.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary in question. From the case diary, though the police has found the case to be prima facie true against the petitioners herein, however, the basis of the same is that the son of the informant is stated to have gone with the petitioners to Delhi to earn money in the year, 2006 and did not return thereafter. It is intriguing as to how the informant had kept silent for such a long time and had not made any complaint regarding his son being traceless. In such view of the matter, this Court deems fit and proper to give the benefit of doubt to the petitioners herein for the



purposes of grant of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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, Araria in connection with Bhargama P.S. Case No. 166 of 2017, 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 mark their attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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