

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18483 of 2020**

Arising Out of PS. Case No.-64 Year-2019 Thana- KATHAIYA District- Muzaffarpur

MD. MUNNA @ MD. MUNNA ANSARI, aged about 44 years (M), S/o Md. Habid Ansari, Resident of Village- Harpur, P.S.- Kathaiya, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Hari Kishore Thakur, Advocate.  
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      18-08-2020                      Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 365 and 364 of the I.P.C.

The prosecution story, in brief, is that on 13.12.2015, the petitioner took away the son of the informant, namely, Md. Afroz, saying that he will work under him on J.C.B. and he will get handsome salary for that. The informant was on telephonic contact with his son but during the last year, the informant has no contact with his son. During last *Eid* festival, the petitioner



came to village and when the informant inquired about his son, no satisfactory reply was given by the petitioner and no salary was paid and when the informant put pressure on him, he threatened with dire-consequences. The informant has claimed that his son has been concealed or disappeared by the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that the victim on his own consent had gone with the petitioner for the purpose of earning his livelihood. Later on, certain dispute arose between the parties which led to filing of complaint case on 28.11.2018 i.e., after a period of three years and on the basis of the said complaint case, the present F.I.R. has been withdrawn under Section 156(3) of Cr. P.C. An informatory petition was also filed by the wife of the petitioner on 04.12.2018 alleging therein false implication of the petitioner and his family members in the present case which is Annexure-2 to the present application. It is further submitted that the victim is still in contact with the informant/complainant and he is working at Mumbai.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R/  
complaint case.

Considering the facts and circumstances of the case  
and also the lockdown, the petitioner above named, in the event  
of arrest or surrender before the learned court below within a  
period of eight weeks from today, be released on anticipatory  
bail on his personal bond to the satisfaction of the learned J.M.  
Ist Class, Muzaffarpur, in connection with Kathaiya P.S. Case  
No. 64/2019, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall  
furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with  
two sureties of the like amount each within a period of seven  
weeks to the satisfaction of the court concerned in connection  
with the aforesaid case.

**(Sudhir Singh, J)**

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