

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22679 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- BASANTPUR District- Siwan

1. DANISH KHAN Son of Afajal Khan R/O Village and Post - Shekhpura, P.S.- Basantpur, District - Siwan.
2. Yakub Khan Son of Suleman Khan R/O Village and Post - Shekhpura, P.S.- Basantpur, District - Siwan.
3. Ebrahim @ Ebrahim Hawari Son of Khush Mahamad R/O Village and Post - Shekhpura, P.S.- Basantpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Khurshid Anwar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Basantpur PS case no. 276 of 2019 registered for the offences punishable under Section 387 of Indian Penal Code.

The case of the prosecution in brief is that on the alleged date and time of occurrence, a mobile phone call had



been received by the informant and a ransom was demanded, failing which a threatening was given that the informant would be killed. It is further alleged that the said anonymous caller was claiming to be the brother of Raja Khan.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and as far as petitioner no. 3 is concerned, he is having a clean antecedent, whereas petitioners no. 1 and 2 are accused in one other case, however they are stated to be on bail. The learned counsel for the petitioners has further submitted that the mobile in question, from which the phone call was made, does not belong to the petitioners, as has been stated in paragraph no. 11 of the present petition. It is also submitted that the petitioners have not been named in the FIR.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners have not been named in the FIR by the informant and their names have transpired in the present case only on account of confessional statement made by one Faizal Khan, *prima facie*



it appears that the petitioners are being roped in the present case merely on suspicion, hence I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Siwan in connection with Basantpur PS case no. 276 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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