

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85832 of 2019

Arising Out of PS. Case No.-181 Year-2016 Thana- RUNISAIDPUR District- Sitamarhi

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1. Md. Mustafa Son of Late Jafir Resident of Village-Suhai, P.S.-Dumra, District-Sitamarhi-843323.
 2. Md. Mostkin Ansari @ Md. Mustakim @ Md. Kustkim Ansari Son of Md. Sobrati Ansari Resident of Village-Suhai, P.S.-Dumra, District-Sitamarhi-843323.
 3. Md. Jaharuddin @ Md. Zahanuddin Ansari Son of Md. Basi Resident of Village-Suhai, P.S.-Dumra, District-Sitamarhi-843323.
 4. Md. Harun Son of Md. Basi Resident of Village-Suhai, P.S.-Dumra, District-Sitamarhi-843323.

... .. Petitioner/s

Versus

The State of Bihar.

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate Mr. Subodh Kumar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, A.P.P.
For the Informant	:	Mr. N.K. Agrawal, Sr. Adv. Ms. Preety Kunwar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State as well as the Informant.

The petitioners apprehend their arrest in connection with Runnisaidpur P.S. Case No. 181 of 2016 registered for the offences punishable under Sections 302/34 and 120(B) of the Indian Penal Code.

The allegation against the petitioners as per the complaint converted into First Information Report that on 30.03.2016 at about 7.00 p.m. when the informant was at her door the accused no.1 to 5 arrived at the door of the informant



and asked Md. Ahmad Hussain to come alongwith them on the pretext that Daroga Jee had called him and accordingly they took the son of the informant and thereafter the son of the informant could not return. It has further been alleged that on 01.04.2016 the informant got the information that the dead body of her son was lying in pond whereupon the informant went and identified the dead body of her son and on that basis the informant claimed that the named accused persons have killed her son.

Learned counsel appearing on behalf of petitioners submits that petitioners have falsely been implicated in this case inasmuch as from perusal of the complaint itself no overt act has been alleged against these petitioners. He further submits that the complaint-cum-F.I.R. discloses the name of five accused persons i.e. accused no.1 to 5 who have allegedly killed the son of the informant and not these petitioners. Learned counsel for the petitioners submits that police after investigation submitted final form and did not send the petitioners for trial holding that allegation against the petitioners is mistake of fact. He further submits that the learned Magistrate has differed with the final report.

Mr. N.K. Agrawal learned senior counsel appearing on behalf of complainant-cum-informant vehemently opposes the prayer for anticipatory bail of the petitioners and submits



that the learned Magistrate differed with the police report and finding material on record has taken cognizance under Section 302 and 34 of IPC against these petitioners.

Having heard learned counsel for the parties and taking into consideration the fact that the police after investigation has submitted final form not sending these petitioners for trial and there is no direct allegation against these petitioners, I am inclined to grant anticipatory bail to these petitioners.

Accordingly, let the petitioners, above named, in the event of his 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, is directed to be released 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 Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No. 181 of 2016, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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