

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15073 of 2021

Arising Out of PS. Case No.-114 Year-2019 Thana- LAURIA District- West Champaran

1. SAYEEMA KHATOON @ RAJIYA KHATOON W/o- Asadullah Ansarui @ Nasim @ Nasir Resident of Village- Dhanauti, P.S.- Guthni, District- Siwan
2. ASADULLA ANSARI @ NASIM @NASIR S/o- Kadam Rasul Ansari @ Mistri Resident of Village- Dhanauti, P.S.- Guthni, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioners seek bail in connection with Lauriya P.S. Case No.114 of 2019 registered for the offence punishable under Sections 363, 365 of the Indian Penal Code.

The prosecution case in short is that on 11.06.2019, the informant's daughter, aged about 15 years went to her school along with her friend but did not return till evening. Then



informant made a search and found school was closed. Then the informant went to the house of her friend Manisha Kumari where he came to know that she has also not returned her house. After that the informant made a search but no any trace was found. Then, on 16.06.2019, the F.I.R. was lodged.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. The petitioners are not named in the F.I.R. and their name came in the case on the confession of co-accused namely Azadul Ansari during investigation. They have been falsely implicated in this case due to ulterior motive and police mechanism. There is no specific overt act against the petitioners. Similarly situated co-accused namely Mannanjay Kumar Yadav @ Madan Yadav has been granted bail by the learned court below itself and one co-accused namely Pappu @ Mahmood Nazmool Hoda has been granted bail by this Court vide order dated 04.12.2019 passed in Cr. Misc. No.66900 of 2019. The petitioners have no criminal antecedent and have been languishing in custody since 02.08.2019.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the petitioners have undergone custody of more than 2



years, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with Lauriya P.S. Case No.114 of 2019, subject to the following conditions:

(1) One of the bailors of each petitioners will be own close relative of the petitioners who will give on affidavit genealogy as to how they are related to petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioners shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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