

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6210 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- KOPA District- Saran

1. AZAD ANSARI S/o Maksud Mian R/o village- Piyano Tola, P.S.- Kopa, District- Saran
2. Imam Ansari S/o Maksud Mian R/o village- Piyano Tola, P.S.- Kopa, District- Saran
3. Afzal Ansari S/o Alaudin Mian @ Alaudin Ansari R/o village- Piyano Tola, P.S.- Kopa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva
For the Opposite Party/s : Mr.Rajeev Nayan(App231)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under sections 363, 366, 366A and 354B/34 of the Indian Penal Code.

Allegedly, informant minor daughter aged about 14 years was kidnapped by petitioners and co-accused persons.

The main submissions advanced by the learned counsel for the petitioners are that petitioner no.3 is not named in the FIR, so called victim has been recovered, in fact, she herself returned back to her home on the same day of the alleged



occurrence and she recorded her statement before the Judicial Magistrate in which she has not made any allegation against the present petitioners and according to her statement no any physical harassment or any other role was committed with her by other co-accused persons who are alleged to have taken the said victim. Further submission is that petitioner nos. 1 and 2 have been rotting in jail since 23.9.2021 and petitioner no.3 since 26.9.2021 and petitioner nos. 1 and 2 have been made accused on account of being relatives of the main accused and petitioner no.3 has not any relationship with any of the petitioners and all petitioners have clean antecedent.

Learned APP opposes the prayer for bail.

In view of the above submissions, considering petitioners' custody period, so called victim has been recovered and any specific role of the petitioner in the alleged crime has not been levelled by the prosecution, a lenient approach may be taken in respect of petitioners. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in Kopa P.S. case No. 167 of 2021 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the court below shall take serious action against them for cancellation of their bail bond.

(Shailendra Singh, J)

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