

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29275 of 2021

Arising Out of PS. Case No.-47 Year-2019 Thana- KANGLI District- West Champaran

1. Faiyaz Ansari S/O Jasmuddin Ansari Resident Of Village Bheriharwa, P.S.- KANGALI, District-West Champaran At Bettiah.
2. Jasmuddin Ansari S/O Kitab Miyan Resident Of Village Bheriharwa, P.S.- KANGALI, District-West Champaran At Bettiah.
3. Masir Ansari S/O Masud Miyan Resident Of Village Bheriharwa, P.S.- KANGALI, District-West Champaran At Bettiah.
4. Samshad Ansari @ Shamshad Miyan S/O Mahamdalan Ansari Resident Of Village Bheriharwa, P.S.-KANGALI, District-West Champaran At Bettiah.
5. Samshoon Nesha W/O Jasmuddin Ansari Resident Of Village Bheriharwa, P.S.-KANGALI, District-West Champaran At Bettiah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363, 366A and 420/34 of the Indian Penal Code, Section 17 of the POCSO Act and Section 75 of the J.J. Act.

It is a case of abduction of a minor girl, who, is the sister of the informant, aged about 15 years, by the accused persons.



It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case.

From perusal of the FIR as well as the statement of victim girl recorded under Section 164 of the Cr.P.C in para-97 of the case diary, it appears that Faiyaz Ansari, Jasmudin Ansari, Mashir Ansari and Samshad Ansari @ Shamshad Miyan (petitioners) and another co-accused Saiyaz Ansari, alluring, took her away by the motorcycle to Nepal and further the victim stated that petitioner no.4 Samshad Ansari outraged her modesty.

The learned counsel for the petitioners further submits that the petitioner no.5 Samshoon Nesha has no role in abduction of the victim.

After considering the aforesaid facts, the prayer for bail of petitioner nos.1, namely, Faiyaz Ansari, petitioner no.2 Jasmuddin Ansari, petitioner no.3 Masir Ansari and petitioner no.4 Samshad Ansari @ Shamshad Miyan are hereby rejected.

So far as petitioner no.5, namely, Samshoon Nesha is concerned, her prayer for anticipatory bail is allowed. Let the petitioner no.5, namely, Samshoon Nesha, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing



bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, POCSO, West Champaran at Bettiah in connection with Kangali P.S. Case No. 47 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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