

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29676 of 2021**

Arising Out of PS. Case No.-249 Year-2020 Thana- DHANAHA District- West Champaran

MUSLIM ANSARI Son of Tabarak Ansari Resident of Village - Belwa Jangal, DeokiNagar, Police Station - Padrauna Kotwali, District - Kushi Nagar (U.P.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Zainul Abedin, Advocate.

For the Opposite Party/s : Mr. Nirmala Kumari, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      01-02-2022                      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner who is in custody since 20.10.2020 seeks regular bail in connection with Dhanha P.S. Case No. 249 of 2020 registered for offences punishable under Sections 363 and 364(A) of the Indian Penal Code.

Prosecution case in brief is that the grandson of the informant, aged about 7 years, has been found missing since 14.10.2020.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner has falsely been implicated in this case due to ulterior motive. The F.I.R. has been lodged against unknown persons and the alleged child has been recovered. Petitioner has clean antecedent and he is in custody since 20.10.2020. He further submits that similarly situated co-accused namely Allauddin Ansari has been granted bail by this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 28568 of 2021.

Learned A.P.P. has opposed the prayer for bail to the petitioner. He further submits that from perusal of the paragraph no. 49 of the case diary it appears that the victim child has been recovered.

Considering the facts and circumstances of the case, the Court below is directed to seek report from the Superintendent of Police, West Champaran, regarding the criminal antecedent of the petitioner, if the petitioner is not involved in any case prior to the present case, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Dhanha P.S. Case No. 249 of



2020 Subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or influences the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Purnendu Singh, J)**

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