

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53973 of 2021**

Arising Out of PS. Case No.-195 Year-2020 Thana- BARHARIA District- Siwan

Afzal Ansari Son of Akhtar Ansari @ Akhtar Miya R/o Village Lakdi Dargah
Tole Ajmali, P.S.- Barharia, District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Prashant Kumar, Advocate

For the State : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 07-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with
Barharia P.S. Case No.195 of 2020, registered for the offences
punishable under Sections 387, 504 and 506 of the Indian Penal
Code.

The prosecution case, in brief, is that ransom of
Rs.2,00,000/- was demanded from the informant and informant's
brother on their mobile phones.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is submitted that the petitioner has got no criminal
antecedent as stated in paragraph-3 of the bail application. It is
further submitted that no call was made by the petitioner from his
mobile number 9262680962 to the informant's mobile number
8102150687. It is further submitted that there is no allegation of



putting the informant or his brother under the fear of death or grievous hurt and, as such, no offence under Section 387 of the Indian Penal Code is made out against the petitioner. Learned counsel for the petitioner submits that at best the case is made out under Section 385 of the Indian Penal Code, which is bailable.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner by submitting that from perusal of paragraphs 26, 27 and 27 of the case diary, it is clear that petitioner is also the member of the syndicate who demanded the ransom from the informant.

Taking into consideration the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J.)

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