

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5235 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- TISIAUTA District- Vaishali

1. MD. AKHTAR @ MOHAMMAD AKHTAR SON OF LATE MD. HABIB MIYAN @ LATE MOHAMMAD HABIBI MIYAN R/O VILLAGE- VISANPUR GOVIND, P.S.- TISIAUTA, DISTRICT- VAISHALI
2. MD. ATABUL @ MOHAMMAD ATABUL SON OF MOHAMMAD AKHTAR @ MD. AKHTAR R/O VILLAGE- VISANPUR GOVIND, P.S.- TISIAUTA, DISTRICT- VAISHALI
3. MD. FIROZ @ MOHAMMAD FIROZ SON OF MOHAMMAD AKHTAR @ MD. AKHTAR R/O VILLAGE- VISANPUR GOVIND, P.S.- TISIAUTA, DISTRICT- VAISHALI
4. MD. MUMTAZ @ MOHAMMAD MUMTAZ SON OF MOHAMMAD AKHTAR @ MD. AKHTAR R/O VILLAGE- VISANPUR GOVIND, P.S.- TISIAUTA, DISTRICT- VAISHALI
5. MD. IMTEYAZ @ MOHAMMAD IMTEYAZ SON OF MOHAMMAD AKHTAR @ MD. AKHTAR R/O VILLAGE- VISANPUR GOVIND, P.S.- TISIAUTA, DISTRICT- VAISHALI
6. MD. ILTAF @ MOHAMMAD ILTAF SON OF MOHAMMAD AKHTAR @ MD. AKHTAR R/O VILLAGE- VISANPUR GOVIND, P.S.- TISIAUTA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra
For the Opposite Party/s : Mrs. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 363/364/ 365/ 328/ 34 of the Indian Penal Code.

As per the prosecution case, all the accused persons, named in the FIR, including these petitioners, kidnapped the



nephew of informant, aged about 12 years, and the said victim was recovered by the police from the wash room of petitioners in unconscious condition.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that informant has deliberately suppressed the fact that petitioners are agnates of the informant and there is land dispute between them.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that victim in his statement u/s 164 of the Cr.P.C. stated that on 11.07.2022 at 9-9.30 PM 5-6 persons came from behind and put cloth in his mouth and thereafter he became unconscious. He identified petitioner No. 2 and 3. petitioners have got criminal antecedent.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioners on pre arrest bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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