

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21437 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- BELA District- Sitamarhi

1. Taiyab Ansari, S/O Jalil Ansari Resident Of Village- Bherarahiya, Police Station- Bela, District- Sitamarhi.
2. Tahir Ansari @ Md Tahir, S/O Jalil Ansari Resident Of Village- Bherarahiya, Police Station- Bela, District- Sitamarhi.
3. Jahir Ansari, S/O Jalil Ansari Resident Of Village- Bherarahiya, Police Station- Bela, District- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha- Advocate
For the State	:	Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 03-07-2023 The Investigating Officer of the case, in compliance of the order dated 28.06.2023, is physically present before this Court.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 363 and 364 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 28.07.2021, his maternal grandson



went out of the house and did not return and on search, villager Ajmal Sheikh disclosed that he saw the petitioners taking the victim towards Nepal. Accordingly, the informant went to the house of the petitioners to inquire, but the petitioners were not found in the house. It is further alleged that Bela P. S. Case No.69 of 2015 was instituted alleging that four accused persons had raped his daughter leading to pregnancy and kidnapped child was born, further in order to erase the evidence, the child was kidnapped and killed.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that in Bela P. S. Case No.69 of 2015, Taiyab Ansari was the main accused in which the present petitioners were not made an accused, but in the present case, they have been made an accused as they are brothers of Taiyab Ansari. It is next submitted that it has been specifically pleaded at Para-7 that blood sample of Taiyab Ansari and the child has already been taken for paternity test, as such, no useful purpose would have been served by kidnapping the child and killing him. It is further submitted that the child has been recovered, but he has not named the petitioners. The learned counsel next submits that even the alleged recovery is from the house of the maternal



brother of the informant.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate Sadar, Sitamarhi in connection with Bela P. S. Case No.139 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

The personal appearance of the Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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