

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36038 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- ADAPUR District- East Champaran

1. SAIFULLAH ANSARI @ SARFULLAH MIAN Son of Late Jamadar Ansari Resident of Village - Ghorasahan, P.S.- Harpur, Distt.- East Champaran.
2. Mustafa Ansari Son of Mukhtar Ansari Resident of Village - Ghorasahan, P.S.- Harpur, Distt.- East Champaran.
3. Nawab Ansari Sn of Mukhtar Ansari Resident of Village - Ghorasahan, P.S.- Harpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 366A/34 and Section 8 of POCSO Act of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor daughter of the informant under conspiracy.



Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The victim in her statement recorded under section 164 of the CrPC has not taken the name of the petitioners in the crime alleged. Learned counsel further submitted that there is love affairs between the co-accused Ashraf Ansari and the victim. She left the house of her own will and went to Kathmandu and solemnized marriage with the said co-accused. There is general and omnibus allegation against the petitioners. The petitioner no. 3 is accused in one more criminal case and the petitioner no. 1 and 2 have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Motihari, East Champaran in connection with Adapur (Harpur) P.S. Case No. 209 of 2020, subject to



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Chandra Prakash Singh, J)

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