

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41131 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- IMAMGANJ District- Gaya

1. Abbas Ansari @ Md. Abbas Alam son of Salauddin Mian @ Salahuddin Mian @ Md. Salahuddin Ansari Village- Rausha Ps- Imamganj Dist- Gaya
2. Yusuf Mian @ Yusuf Ansari @ Md. Yusuf Ansari son of Md. Hayat Ansari Village- Dubahal Malahari Ps- Imamganj Dist- Gaya
3. Salauddin Mian @ Salahuddin Mian @ Md. Salahuddin Ansari son of Late Husaini Mian Village- Rausha Ps- Imamganj Dist- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Imamganj P.S. Case No. 152 of 2022 registered for the offences punishable under Sections 364, 120(B) of the Indian Penal Code. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that the allegation against these petitioners is that of kidnapping the son of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case in order to settle the score of previous enmity on account of a land dispute. It is submitted that the son of the informant had never been kidnapped.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioners have been falsely implicated in this case in order to settle the score of previous enmity on account of a land dispute as well as Complaint Case bearing No. 07 of 2022 filed by wife of petitioner no. 3 against the informant, his son and other accused persons which is pending in the court of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, the submission that a concocted story of kidnapping of the son of the informant was lodged as an FIR whereas the son of the informant had never been kidnapped and this matter has been brought to the notice of the Senior Superintendent of Police, Gaya, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Imamganj P.S. Case No. 152 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like



amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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