

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59442 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- CHANDRADIP District- Jamui

1. MD. RUSTAM ANSARI Son of Late Md. Azim Ansari Resident of Village-Sagma, P.S.- Chandradeep, District- Jamui
2. SHAHNAJ KHATOON Wife of Md. Rustam Ansari Resident of Village-Sagma, P.S.- Chandradeep, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-02-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in connection with Chandradeep P.S. Case no.96 of 2022, registered for the offence punishable under sections 366(A)/34 of the Indian Penal Code and section 8 of POCSO Act.

Allegedly, the co-accused Irshad Ansari and his brother co-accused Sonu Ansari alongwith other co-accused persons kidnapped the grand daughter of the informant. The allegation against the petitioners is that they are also involved in the said occurrence.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The petitioners are not named in the FIR, their names transpired in the present case during the course of investigation. Petitioners are the father and mother of co-accused Sonu Ansari and they have no knowledge about the alleged occurrence. The co-accused Sonu Ansari is already in judicial custody. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is ample of evidence available against the petitioners in the case diary. He further submits that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.PC.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this application is dismissed.

However, if the petitioners surrender before the learned



court below within a period of six weeks from today and seek regular bail, learned court below shall pass the order, preferably on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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