

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66812 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. BABLOO SHEIKH @ ABDUL RAHMAN Son of Md. Ovaish Shekh @ Md. Obaish Sheikh R/V- Islampur Tola, ward No. 13, P.S- Bajpatti, Dist- Sitamarhi
2. Noore Najar @ Md. Abdullah Son of Ovaish Shekh @ Md. Obaish Sheikh R/V- Islampur Tola, ward No. 13, P.S- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 364/34 of the Indian Penal Code.

Allegedly, the petitioners alongwith other accused persons assaulted the son of the informant and on 07.06.2021, her son went out of the house for gardening of the orchard but did not came back. The informant had belief that the petitioner had kidnapped her son.

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. He submits that the victim boy was working in a private factory in the state of Gujarat and on his return, he has been produced by the co-accused Obaish Sheikh before the police and it is not a case of kidnapping of the son of the informant. He further submits that the occurrence took place on 06.06.2021 but the FIR has been lodged on 23.06.2021 i.e. after a delay of more than 17 days, without giving any plausible explanation regarding the said delay which creates a serious doubt over the genuineness of the prosecution story. 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.

Having regard to the facts and circumstances of the case as well as considering the delay in filing of FIR, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Bajpatti P.S. Case No.172 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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