

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27245 of 2025

Arising Out of PS. Case No.-348 Year-2023 Thana- MEHSI District- East Champaran

1. Rubaida Khatoon wife of Md. Basir @ Md. Basir Ansari Resident of village- Bathana, P.S.- Mehsi, District- East Champaran.
2. Taimul Khatoon @ Taimul Nesha wife of Md. Naimuddin @ Naimuddin Mian Resident of village- Bathana, P.S.- Mehsi, District- East Champaran.
3. Md. Nasir @Md. Nasir Ansai @ Md. Nasir Ansari son of Md. Naimuddin @ Naimuddin Mian Resident of village- Bathana, P.S.- Mehsi, District- East Champaran.
4. Md. Naimuddin @ Naimuddin Mian son of Late Habibullah Mian. Resident of village- Bathana, P.S.- Mehsi, District- East Champaran.
5. Md. Taukir @ Md. Taukir Alam @ Md. Tauqir Alam Son of Md. Majib Resident of village- Bathana, P.S.- Mehsi, District- East Champaran.
6. Md. Tausif @ Md. Tausif Alam son of Md. Alim Resident of village- Bathana, P.S.- Mehsi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Trial No. 3361 of 2024 arising out of Mehsi P.S. Case No. 348 of 2023 for the offence registered under sections 366, 323, 504, 34 of the IPC lodged on 20.10.2023 by the informant, Md. Mubarak.

3. As per the prosecution story, the informant alleged



that his sister went to the market but disappeared alleging role of the accused/petitioners, the FIR.

4. Learned Counsel for the petitioners submit that there is delay of six days in lodging of the FIR. The Police investigated the matter and submitted final form, the petitioners were not sent of for trial. The cognizance was taken against Md. Aman @Tariq who now stands acquitted as the prosecution turned hostile, they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the cognizance has been taken in the matter finally.

6. Considering the submissions as also the fact that the Police earlier submitted final form, now cognizance has been taken, all the petitioners are related, some of them are aged 75 years, none have criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, East Champaran, Motihari in connection with Trial No. 3361 of 2024 arising out of Mehsi P.S. Case No. 348 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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