

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42427 of 2025

Arising Out of PS. Case No.-75 Year-2018 Thana- CHANDAN District- Banka

1. Afroz Ansari S/O Samsuddin Ansari R/O Vill.- Gaura Majhladih, P.S.- Chandan, Dist.- Banka.
2. Firdos Ansari S/O Samsuddin Ansari R/O Vill.- Gaura Majhladih, P.S.- Chandan, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-10-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Chandan P.S. Case No. 75 of 2018 registered for the offence punishable under Section 365/34 of the Indian Penal Code.

3. Based upon the written report, the informant alleges that his son Manoj Kumar used to come his house for meal, but on the fateful day when he did not come for meal, a search was made but his mobile phone was found switched off. It is further alleged that a few days ago, a quarrel was occurred between the informant with the petitioners and one co-accused Md.



Samsuddin Ansari regarding removal of his gate on his land. Suspicion has been raised that the son of the informant might have been killed at the hands of the petitioners and co-accused person.

4. Learned Advocate for the petitioners contended that from the narratives made in the FIR, it is evident that the entire case is based on suspicion on account of a quarrel which took place few days earlier. There is no eyewitness to the alleged occurrence and even during the course of investigation, no material has collected which suggests complicity of the petitioners in crime. Had the petitioners been truly involved in the present case, the police would have certainly visited the house of the petitioners, but for the entire six years, the petitioners have been left untouched, which also shows their innocence, is the contention of the learned Advocate for the petitioners. The petitioners undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners have been evading their arrest since 2018, despite they being named accused in a case instituted under Sections 365/34 of the I.P.C. and later on Section 302 I.P.C. was added;



hence, the petitioners do not deserve the extraordinary relief of anticipatory bail.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the alleged occurrence took place in the year 2018 and the petitioners have approached this Court after a delay of six years, besides the fact they are named in the FIR and serious suspicious has been raised about their complicity in the crime, this Court is not acceded to their prayer for anticipatory bail. Accordingly, their prayer is rejected.

(Harish Kumar, J)

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