

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50023 of 2024

Arising Out of PS. Case No.-729 Year-2023 Thana- BAGHA District- West Champaran

Samir Shah @ Sabirul Ali S/o Saukat Shah R/o Village Kolhua, Police Station
Chautarwa, District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vijay Kr Singh No. 1, Advocate
For the State	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 365 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 22.10.2023 at about 4 PM, co-accused Raja Hussain took husband of informant somewhere and thereafter her husband did not return. It is alleged that husband of informant had old enmity with this petitioner and co-accused Faiyaz Shah and Jhunjhun Khan. Informant suspects that all the F.I.R. named accused persons, including this petitioner, in a planned conspiracy through co-accused Raja Hussain, have kidnapped her husband with the intention to kill him.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner is innocent and has committed no offence. Petitioner has falsely been implicated in this case merely on suspicion due to old enmity. From bare perusal of the F.I.R. it is apparent that it was co-accused Raja Hussain who called husband of informant on his mobile and took him away and thereafter husband of informant did not return and on query, the said Raja Hussain has disclosed that husband of informant had gone with co-accused Shubham Singh, Rahman Ansari and Nasrullah and there is no whisper about this petitioner in the entire F.I.R.. During investigation, not a single witness has come forward to say that this petitioner was involved in the alleged offence. It is further submitted that as a matter of fact earlier two cases were filed by co-accused Faiyaz Shah and Jhunjhun Khan against husband of informant due to which husband of informant had also gone to jail and due to annoyance, informant has taken the name of this petitioner only with a view to put pressure and compromise the cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances and nature of accusation, the prayer for grant of anticipatory bail



to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran in connection with Bagaha (Pathkhauri) P.S. Case No. 729 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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