

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50848 of 2024

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

Faiyaz Shah S/o Nurain Sah 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
For the Informant	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 02-05-2025 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

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, husband of informant did not return. It is alleged that husband of informant had enmity with this petitioner and co-accused Samir Sah and Jhunjhun Khan and informant suspects that all the F.I.R. named accused persons, including this petitioner, in planned conspiracy through



co-accused Raja Hussain, have kidnapped her husband with the intention to kill him. The victim is still traceless.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and he has falsely been implicated in this case only because earlier two cases were filed by this petitioner and co-accused Jhunjhun Khan against husband of informant due to which husband of informant had also gone to jail and in retaliation, the informant has taken the name of this petitioner with a view to get the earlier cases withdrawn. It is further submitted that co-accused Samir Shah, having similar and identical allegations, has already been granted privilege of anticipatory bail by this Hon'ble Court vide order dated 06.02.2025 passed in Cr. Misc. No. 50023 of 2024.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that he played the instrumental roll in kidnapping of husband of informant and making him traceless. Petitioner has got four criminal antecedents and his case is not similar to that of co-accused Samir Shah, which is apparent from the F.I.R.



itself.

6. Considering the specific and direct nature of accusation and criminal antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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