

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66813 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- GHURNA District- Araria

- 1. Maneer @ Maneeruddin Son of Musa Resident of Village - Babuan, Ward No.12, P.S. - Ghurna, District - Araria, Bihar
- 2. Anwar Alam Son of Musa Resident of Village - Babuan, Ward No.12, P.S. - Ghurna, District - Araria, Bihar
- 3. Isha @ Isha Ali Son of Mahboob Alam Resident of Village - Babuan, Ward No.12, P.S. - Ghurna, District - Araria, Bihar
- 4. Mahboob Alam Son of Musa Resident of Village - Babuan, Ward No.12, P.S. - Ghurna, District - Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Kuldeep Kumar, Adv.
For the Informant : Mr. Ramesh Kr. Singh, Adv.
For the State : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-04-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 365, 302, 201 of the Indian Penal Code.

3. The prosecution case as disclosed in the First Information Report is that on 14.03.2024 at about 6:00am when the informant's brother Imran Ali was sleeping, an unknown accused called on his mobile and said that he was near to his house and needed to discuss something important. The said



conversation was heard by his mother whereafter the said Imran Ali went to meet the said person while the informant fell asleep. Further, the brother of the informant did not return and his mobile was also switch off and despite hectic search he could not be found out and, hence the informant has alleged that the unknown person who had called his brother on his mobile had abducted him.

4. Learned senior counsel for the petitioners submits at the outset that the First Information Report has been lodged against unknown and the name of the petitioners have subsequently transpired upon a suspicion being raised by the informant after a delay of almost seven days whereafter one Najibulla, who is a young boy aged about 16 years, was apprehended and in his confessional statement, he has taken the name of the petitioners and other associates who are all members of his own family. It has been further submitted by the learned senior counsel for the petitioners that the occurrence happened on 14.03.2024 but the First Information Report came to be lodged after delay of 3 days on 17.03.2024. The dead body of the brother of the informant was finally recovered on 21.03.2024 and it is on this day that the Sanha of the informant was lodged in the police station raising suspicion against the



petitioners. Learned senior counsel for the petitioners raises a serious doubt about the suspicion on the ground that if it was so, there was nothing to stop the informant from raising such suspicion at the time of lodging of the FIR. It has also been submitted that only after such Sanha was lodged, one of the minor members of the family of the petitioners was taken into custody and he was forced to make a confessional statement disclosing the names of other members of the family. It is a fact that there is no eye witness to the case and, except the confessional statement of the co-accused, there is no material to support the allegations against the petitioners. Even the CDR which appears in the case diary does not disclose that the petitioners were the subscriber to the mobile phone from which the calls were made to the deceased. Further, the petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by the learned counsel for the State and also the learned counsel for the informant on the ground that there is serious allegation in the FIR with regard to causing death of the deceased.

6. However, taking into consideration that there is no substantive material against the petitioners but for the confessional statement of co-accused which was taken after a



delay and the FIR has also been lodged against unknown, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten 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 Ghurna P.S. Case No. 07 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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