

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62058 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Muslim Ansari @ Muslim Miyan @ Muslim Miyaan S/O Late Mistar Miyaan R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
2. Tuna Ansari @ Tun Ansari S/O Late Abdul Haq Miyan R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
3. Mojammil Ansari @ Mojmil Ansari S/O Abdullaha Miyan R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
4. Rabdi Khatoon W/O Muslim Ansari @ Muslim Miyan @ Muslim Miyaan R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
5. Jalaluddin Ansari @ Mohammad Jalaluddin Ansari S/O Muslim Ansari @ Muslim Miyan @ Muslim Miyaan @Jalaluddin R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
6. Afroz Ansari @ Afroz S/O Muslim Ansari @ Muslim Miyan @ Muslim Miyaan R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
7. Ghuni Khatoon @ Marium Khatoon @ Mariyam Khatun W/O Serajul Ansari R/O Village- Semra Brit, P.S- Majhauria, Distt.- West Champaran.
8. Serajul Ansari S/O Mir Hasan Ansari R/O Village- Pipra Pakadi Tola Gadiyani, P.S- Bettiah Mufassil, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Gupta
For the Opposite Party/s	:	Mr. Dr. Indiar Kumari
For the informant	:	Mr. Brajesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 20-02-2026 By order dated 17.10.2023, the application filed on behalf of the petitioner no. 1, Muslim Ansari @ Muslim Miyan @ Muslim Miyaan was dismissed as withdrawn because the petitioner no. 1 had passed away.

2. Heard the learned counsel for the petitioner, the



learned APP for the State, and the learned counsel for the informant. I.O. of the case has appeared and has assisted this Court.

3. The petitioners apprehend arrest in connection with Majhulia P.S. Case No. 86 of 2023 registered for offences under Sections 363, 366(A), 506 and 34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act.

4. As per the prosecution case, the petitioners are accused of kidnapping the victim. The main allegation of kidnapping the victim girl is against petitioner Nos. 4, Rabdi Khatoon, petitioner No. 5, Jalauddin Ansari @ Mohammad Jalaluddin Ansari @ Jalaluddin, and petitioner No. 6, Afroz Ansari @ Afroz.

5. Learned counsel for the petitioners submits that the petitioners are quite innocent and have not committed any offence. He further submits that petitioner Nos. 4, 5 and 6 are the mother and brothers of the FIR name accused no. 1, Aamruddin Ansari, and the rest of the petitioners, except Petitioner No. 1, are *patidars*.

5. Learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

6. Considering the allegations levelled against the



petitioner nos. 4, 5 and 6, their prayer for anticipatory bail is hereby rejected. They are directed to surrender in the court below within a period of two weeks from today and seek regular bail, failing which the Superintendent of Police, West Champaran, Bettiah will take all steps for the arrest of the petitioners.

7. As far as the petitioner nos. 2, 3, 7 and 8 are concerned, considering the fact that they are the *patidars*, their prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner nos. 2, 3, 7 and 8, above-named, in the event of their arrest or surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, West Champaran, Bettiah in connection with Majhauria P.S. Case No. 86 of 2023 subject to the conditions as laid down under Section 482(2) of the BNSS.

9. It is, however, clarified that the observations made herein are limited to the adjudication of the present application and shall not prejudice the case of the petitioners at any subsequent stage of the proceedings.

8. In view of the above, this application is partly



allowed.

9. Let a copy of this order be communicated to the Superintendent of Police, West Champaran, Bettiah through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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