

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20137 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -DHAMDHAHA District- PURNIA
=====

- 1. Mogal Mian @ Mugli Azam Son of Ainul Mian
- 2. Samsad Mian Son of Md. Wakil Mian Both residents of village - Nirpur, P.S. Dhamdaha, District - Purnea

.... Petitioners

Versus

The State of Bihar

.... Opposite Party
=====

Appearance :
For the Petitioners : Mr. Kumar Uday Singh, Advocate.
For the Opposite Party : Mr. Dr.M.K.Gautam (APP)
=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioners as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 363 and 365 of the I.P.C.

Allegedly, the petitioners took away the son of the informant Md. Israil @ Bauku Mian to Delhi and Punjab and made him traceless due to earlier dispute and further to release the son of the informant the petitioners demanded Rs. 50,000/-. One Mostikin has seen the son of the informant sitting in the quarter of the petitioners at Delhi.

Submission is of false implication due to enmity. The



wife of petitioner no.1 has filed Complaint Case No. 1904 of 2014 against the informant under sections 376/511 I.P.C. and to compromise that case the informant has kept his son at Delhi and filed this false case which is evident from paragraphs- 6, 24, 29 and 31 of the case diary. Witness Md. Bholu and others have stated that cousin and nephew of the informant has taken away the son of the informant to Delhi from whom the informant and his family members used to talk telephonically and this case has been lodged only with a view to put pressure to compromise the complaint case.

The learned A.P.P. fairly submits that in those paragraphs of the case diary the witnesses have stated regarding falsity of this case, but other witnesses are supporting the allegation and the victim is still traceless.

Considering the submissions as aforesaid and noticing that the witnesses vide paragraphs 6, 29 and 31 are stating that son of the informant has not been kidnapped and only due to previous enmity he has named the petitioners and as earlier from this case Complaint Case No. 1904 of 2014 has been filed against the informant by the wife of petitioner no.1 and as such the petitioners in case of their arrest or surrender within one month from the date of receipt/production of a copy of this order shall be released on

bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Purnea in Dhamdaha P.S. Case No. 139 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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