

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47422 of 2014

Arising Out of PS.Case No. -1197 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Pappu Kumar S/o Shankar Das
2. Sonu Kumar S/o Shankar Das
3. Shankar Das S/o Bijali Das
Resident of Village - Ufrouli, P.S. - Saraiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramchandra Dap S/o Bijli Das resident of village- Ufarauli, P.S.-
Saraiya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.
For the Opposite Party/s : Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4. 21.05.2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Learned counsel for the petitioners is
permitted to implead the complainant as opposite party no. 2.
Let necessary correction be made during the course of the
day.

The petitioners apprehend arrest in Complaint
Case No. 1197 of 2011 instituted under Sections 366/34 of
the Indian Penal Code.

The allegation against the petitioners is that
they had taken away the wife of the complainant in a Maruti
car on the pretext of dropping her at her Maike but after that

she went missing.

Learned counsel for the petitioners submits that they are close agnates and there is dispute of land between them. It is submitted that the complainant had filed a report at Delhi with regard to his first wife missing on 18.01.2008 and thus the question of her again being abducted by the petitioners on 22.08.2011 cannot be believed. It is submitted that even though the incident is said to have taken place on 22.08.2011 but the complaint itself has been filed on 26.08.2011, without there being any explanation for the delay. Learned counsel has drawn the attention of the Court to Annexure-4 which is a copy of Complaint Case No. 826 of 2011 filed by the petitioner no. 2 against the complainant and another under various Sections of the Indian Penal Code earlier to the present complaint. Learned counsel submits that earlier also the complainant had filed Saraiya P.S. Case No. 218 of 2011 against the petitioners no. 1 and 3 and petitioner no. 2 has no criminal antecedent. Learned counsel submits that the allegation that the complainant would allow his wife to go with the petitioners in the background of series of allegations is also not fit to be believed.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the

event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate (West), Muzaffarpur in Complaint Case No. 1197 of 2011, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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