

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44727 of 2014

Arising Out of PS.Case No. -93 Year- 2009 Thana -KANTI District- MUZAFFARPUR

1. Suresh Singh @ Suresh Kumar Singh @ Guddu Singh son of Gopal Prasad Singh Resident of Village - Aura Tola Malikana, P.S. Tariyani, District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.49699 of 2014

Arising Out of PS.Case No. -93 Year- 2009 Thana -KANTI District- MUZAFFARPUR

1. Manish Kumar son of Arun Kumar Singh Resident of village- Kanti ward No. 7, P.S. Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44727 of 2014)

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Arun Kumar (App)

(In Cr.Misc. No.49699 of 2014)

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 03-07-2015 Heard learned counsel for the petitioners as well as learned APP.

Cr.Misc.No.44727 of 2014 (Suresh Singh @ Suresh Kumar Singh @ Guddu Singh) and Cr.Misc.Ni.49699 of 2014 (Manish Kumar) are arising out of Kanti P.S.Case No.93 of 2009 and account thereof have been heard together and are being disposed of by a common order.



Ram Kali Devi, along with her husband Ram Suraj Singh was staying at the place of petitioner Manish Kumar, who happens to be her daughter's son as the spouse had got no male issue and during stay, all the works were being done by the petitioner Manish Kumar including that of withdrawing money from the Bank. It has further been alleged that on the alleged date, there was talk in between her husband as well as both the petitioners with regard to lands. After departure of the accused persons (petitioners), her husband also came out from the place and since thereafter, he is traceless. From perusal of the case diary, it is apparent that the victim has not been traced out till today.

It has been submitted on behalf of the petitioner Manish Kumar that he had withdrawn the amount for which the cheques were being issue by the complainant. Furthermore, the witnesses have stated that spouses were living at his place for the last eight years. There happens to be complete absence of any kind of allegation or complaint against him. That being so, suspicion shown against the petitioner by the complainant, has got no proof at all.

Learned counsel appearing for the petitioner Suresh Singh @ Suresh Kumar Singh @ Guddu Singh has submitted that he happens to be nephew of alleged victim having his residence in the same house at his native place. Because of the fact that some lands were sold away by the alleged victim at an earlier occasion for which petitioner had requested the alleged victim not to sale the ancestral property and for that, he has been implicated in this case.

Learned APP opposed the prayer for bail. Gone through the case diary.

So far, stand of petitioner Manish Kumar is concerned, it is an admitted fact that having the spouse only daughters, were staying at the place of petitioner Manish Kumar from where the alleged victim disappeared. Apart from complaint petition, the I.O had also investigated and found that on 15.3.2008 the petitioner Manish Kumar had withdrawn sumptuous amount appertaining to Rs.1,05,000/-. Such huge amount was never withdrawn at an earlier occasion.

Accordingly, some sort of doubt persists against him regarding his conduct which does not entitle him to get privilege of anticipatory bail. Accordingly, in the facts and circumstances of the case, the prayer of anticipatory bail to Manish Kumar is **rejected**.

With regard to petitioner Suresh Singh @ Suresh Kumar Singh @ Guddu Singh, during the course of investigation, nothing substantial has been collected by the Investigating Officer against him and on account thereof, petitioner Suresh Singh @ Suresh Kumar Singh @ Guddu Singh, in the event of his arrest/surrender in the court below within four week from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, (West) Muzaffarpur in connection with Kanti P.S.Case No.93 of 2009, subject to condition as enumerated under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

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