

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47805 of 2015

Arising Out of PS.Case No. -22 Year- 2015 Thana -PATEPUR District- VAISHALI (HAJIPUR)

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1. Md. Shahid S/o Md. Suleman.
 2. Md. Oshaid @ Nanki Mian S/o Md. Suleman.
 3. Md. Irfan S/o Md. Shahid.

All resident of Village- Ababakarpur Kowahi P.S. Patepur District-
Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 09-11-2015

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

The petitioners apprehend arrest in Patepur
P.S. Case No. 22 of 2015 dated 01.02.2015 instituted under
Sections 406/420/364/34 of the Indian Penal Code.

The allegation against the petitioners is that
they have taken the husband of the informant from the village
to New Delhi for work in their factory and after that he has
become traceless and the suspicion is that he has been killed
and the body disposed off to hide the evidence.

Learned counsel for the petitioners submits
that from the reading of the F.I.R. itself, it is evident that no
motive has been assigned and there was no past enmity. It is
admitted that the petitioner no. 1 had taken the husband of



the informant to Delhi to work and without there being any occasion for any dispute either with regard to wages or anything else, they could not have committed such a crime for any reason as there is absolutely no motive behind it. It is submitted that the husband of the petitioner after reaching Delhi on the next day by train i.e., 09.10.2014 had gone towards 'Ajmerigate' of the railway station and became traceless for which the son of the informant, who is at Delhi, was informed and he had come to the railway platform and a search was made and when the same did not result in locating the husband of the informant, information was also given in the local police station on 16.10.2014 itself, copy of which has been made Annexure-2 to this application. Learned counsel submits that in that background, without there being any motive and the fact that the complaint case has been filed after almost three months of the incident and the informant not disclosing that her son had already lodged a report with the local police about her husband having gone missing, clearly goes to show that the informant has filed the case suppressing vital and relevant facts for oblique reasons knowing fully well that her husband had gone missing from the railway station after getting down from the train without there being any involvement of the petitioners and they have clean antecedent.

Learned A.P.P. submits that the husband of the informant has not been recovered. However, he is not in a

position to controvert the submissions made on behalf of the petitioners.

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 learned Chief Judicial Magistrate, Vaishali in Patepur P.S. Case No. 22 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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