

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40053 of 2014

Arising Out of PS.Case No. -53 Year- 2014 Thana -WAJIRGANJ District- GAYA

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1. Pokhraj Rajbanshi S/o Dukhan Rajbanshi Resident of Village - Rasalpura, P.S. - Sitamarhi, Distt.- Nawada
 2. Chhotu RajBanshi @ Chhotelal RajBanshi S/o Late Mohan RajBanshi Resident of Village - Barahi Bigha, P.S. -Wazirganj, Distt.- Gaya
 3. Birju RajBanshi S/o Kameshwar RajBanshi Resident of Village - Totariya, P.S. - Mekour, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 25-03-2015 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners are apprehending their arrest in connection with Wazirganj P.S. Case No. 53 of 2014 registered under sections 364, 323 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the only allegation against petitioner no. 1 Pokhraj Rajbanshi is that he along with the informant's son had gone to Delhi for earning their livelihood. However, when the informant's son did not return, the informant went to enquire from petitioner no. 1 regarding her son's whereabouts upon which petitioner nos. 2 and 3 did not co-operate. It is further alleged that when the informant tried to persuade to tell about his son's whereabouts, they

assaulted her and snatched away her golden chain.

Learned counsel for the petitioners further submits that the entire case is false and fabricated and save and except the fact that the petitioner had gone to Delhi along with the informant's son, there is no other material to indicate that it was these petitioners who had, in fact, organized disappearance of the informant's son.

Considering the aforementioned submissions and also the fact that the case is vague and there is no cogent material so as to indicate their complicity in the disappearance of the informant's son, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of two weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S. Case No. 53 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Anjana Mishra, J)

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