

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43948 of 2014

Arising Out of PS.Case No. -1997 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Ajay Kumar Son of Prabhu Nath Singh
2. Braj Kishore Singh Son of Upendra Prasad Singh, Both residents of
Mohalla - Barah Patthar, P.S. - Samastipur Town, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma

For the Opposite Party : Mr. Anant Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 30-07-2015 Heard learned counsel for the petitioners, informant
and the State.

The informant is the ‘Bhabhi’ (sister-in-law) of the
petitioner no.1. Petitioner no.2 is ‘Bahnoi’ of the informant. The
First Information Report was lodged in the year 2007 alleging
that the husband of the informant was kidnapped for the purpose
of murder. The petitioners along with the father-in-law of the
informant were cited as accuseds. On investigation, the
allegations were found not true/ substantiated. It is also pointed
out that father-in-law had also lodged a ‘sanha’ about missing of
his son (husband of the informant). A protest petition was filed by
the informant which was treated as C.C.1997/2012 wherein

enquiry was made and in the year 2014 cognizance was taken. Hence the application.

Contention of the petitioners is that the case was lodged for the purpose of coercing the petitioner no.1 and father-in-law (since deceased) to give share in the property of the husband . It has been submitted that the share of the informant in the property has already been specified and given to the informant and a petition in this regard has been filed by both the parties in the Court below.

Learned counsel for the informant, however, states that he suspects forcible dispossession of the property in her possession. The counsel for the petitioners has disputed the aforesaid contention and submitted that the partition is already made. They would abide by that.

Be that as it may, considering the particular facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, 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 the learned Judicial Magistrate 1st Class,

Samastipur, in connection with Trial no. 2540 of 2014 arising out of Protest-cum-Complaint case no. 1997 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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