

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14185 of 2016

Arising Out of PS.Case No. -236 Year- 2015 Thana -DARAUNDA District- SIWAN

=====

1. Panpati Devi @ Panmati Devi, Wife of Late Uma Shankar Mahto
2. Pawan Kumar Mahto, Son of Late Uma Shankar Mahto,
Both residents of Village: Rajanpura, P.S. M.H. Nagar, District: Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 17-08-2016

Heard both sides.

The petitioners apprehend their arrest in Daraunda (M.H. Nagar) P.S. Case No. 236 of 2015 registered under Sections 384, 364, 302, 201, 34 of the Indian Penal Code.

The informant filed a complaint case, on the basis of which, the present FIR is lodged. The informant alleged that the petitioners were demanding money on the ground that her husband was working in a foreign country. The informant went to her Naihar to see her ailing father and when she returned, she did not find her disabled son. The petitioners did not give any whereabouts of her son. Learned counsel for the petitioners submits that petitioner no. 1 is the mother-in-law of the informant and petitioner no. 2 is the brother-in-law of the informant. It is submitted that it has come during the course of investigation that

the informant was living most of the time in her Naihar and she was not taking care of her son. It has further been submitted that in Para 55 and 56 of the case diary, the witnesses, namely, Murshid Khan and Anil Mahto have stated that false case had been lodged, but it appears from perusal of the FIR as well as the statements of witnesses, namely, Uma Shankar Mahto, Ratan Yadav, Ramanand Mahto and Baidyanath Mahto that the petitioners caused disappearance of Munna Kumar Mahto, son of the informant. On enquiry, it was found that Munna Kumar Mahto was admitted in a hospital but the boy is still traceless.

On behalf of the petitioners, Annexure-2 is annexed to show that the husband of the informant and the father of the deceased stated that Munna Kumar Mahto died his natural death. It appears that Annexure-2 had been filed after much delay but none of the witnesses have disclosed that as to when Munna Kumar Mahto died in the village.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail in Daraunda (M.H. Nagar) P.S. Case No. 236 of 2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--