

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9056 of 2016

Arising Out of PS.Case No. -129 Year- 2014 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Maheshwar Singh S/O Late Ram Ekbal Singh
2. Arvind Singh S/O Late Ram Ekbal Singh Both R/O Village- Ajgarwa,
P.S.- Pakridayal, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. P.K. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,354A,354B,364 and 506 of the Indian Penal Code.

The prosecution case is that the informant used to reside at Delhi for earning his livelihood when the family of the informant used to reside at their native place. On 25.7.2014 the petitioners along with Rambabu Singh cut the guava tree of the informant which was protested by the mother of the informant when they tied the mother of the informant and assaulted her. It is further alleged that subsequently the informant came to his native place when in the night of 30.7.2014 the accused persons

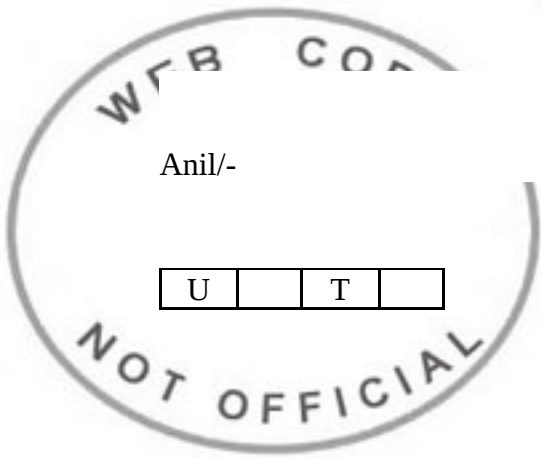
including the petitioners again abused and gave threatening to the mother of the informant. In the next morning the informant got up to find his mother traceless when it was suspected that the accused persons kidnapped the mother of the informant.

It is submitted by the learned counsel for the petitioners that only on suspicion the accusation has been levelled. For the initial occurrence on 25.7.2014 and subsequent incident on 30.7.2014 the FIR was registered on 2.8.2014. This is not in dispute that the mother of the informant is still traceless. It is further submitted that considering the delayed and suspicious nature of accusation, co accused Gudiya Devi and Shail Devi have been granted anticipatory bail by a coordinate bench of this court vide Cr. Misc. No. 50476 of 2015.

Considering the fact that main accusation is against the petitioners, this court is not inclined to grant anticipatory bail to them. However, let the learned court below consider the prayer for regular bail of the petitioners keeping in view the delayed lodging of the FIR, in case the petitioners surrender within six weeks from today in connection with Pakridayal P.S. Case No.129 of 2014 pending in the court of learned S.D.J.M. Sikrahana at Motihari.

This application is disposed of with the aforesaid

observation/direction.



Anil/-

(Dinesh Kumar Singh, J)