

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20455 of 2015

Arising Out of PS.Case No. -73 Year- 2014 Thana -PARWALPUR District-
NALANDA (BIHARSHARIFF)

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1. Bishwa Chand Sharma @ Sahdeo Singh, son of late Ramji Singh.

2. Prasuram Singh.

3. Upendra Singh.

Both sons of Sahdeo Singh.

All residents of Village - Rukhai, Police Station - Chandi,
District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anusaiya Jaiswal (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

5 02-02-2016 Heard learned counsel, appearing on behalf the
petitioners, and learned Additional Public Prosecutor,
appearing on behalf of the State.

This application for grant of anticipatory bail
arises out of Parwalpur P.S. Case No.73 of 2014,
disclosing offences under Section 364 of the Indian Penal

Code.

Learned counsel, appearing on behalf of the petitioners, submits that no offence, under Section 364 of the Indian Penal Code, is made out against the petitioner, on the basis of the contents of the First Information Report. He submits that allegedly, the informant's son is said to be missing since 17/12/2013, whereas he lodged the present First Information Report on 05/06/2014, after much delay, for which, there is absolutely no explanation. He further submits that the present case has been instituted in retaliation because the daughter of the petitioner No.2 had got instituted a First Information Report, under Section 304-B of the Indian Penal Code, against the informant and some other persons.

Learned Additional Public Prosecutor, appearing on behalf of the State of Bihar, has, however, not been able to point out any material, collected in course of investigation, which can justify implication of the present petitioners in the offence alleged.

In view of the submission, as above, this application is allowed. Let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each

with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda**, in connection with **Parwalpur P.S. Case No.73 of 2014**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, abovenamed, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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