

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16474 of 2016

Arising Out of PS.Case No. -73 Year- 2013 Thana -PASRAHA District- KHAGARIA

- =====
1. Shivji Singh Son of Ganeshi Singh
2. Rambha Devi Wife of Shivji Singh Both Resident of Village- Satish
Nagar, P.S.- Pasraha, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. R.N.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-07-2016 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 364/34 of the Indian Penal Code.

The informant alleged that her daughter was married
to Shivji Singh in the year 2012 but since 09.07.2013 her daughter
was missing from the house of Shivji Singh. The informant
suspected that Shivji Singh and his first wife might have
kidnapped her for killing.

The learned counsel for the petitioners submits that
there is absolutely no evidence in the entire case diary but it has
come that petitioners have kidnapped Renu Devi and Renu Devi
was living in the house of petitioner No.1, Shivji Singh. Shivji

Singh and Rambha Devi went to the parental house of Rambha Devi but Renu Devi became traceless from the house of petitioner No.1. It is submitted that none of the witnesses has come forward to say that petitioners kidnapped Renu Devi or killed her.

It appears from the order of learned Sessions Judge that petitioner No.1 denied his marriage with Renu Devi. It was his case that Renu Devi was never living in his house. During the course of investigation, it has come that Renu Devi was living in the house of petitioner No.1 and at the instigation of petitioner No.2, first wife, petitioner No.1 was assaulting his second wife and he along with his first wife went to parental house of Rambha Devi, petitioner No.2, and thereafter Renu Devi became traceless.

Considering the fact that no material has come against petitioner No.2, Rambha Devi, who is first wife of petitioner No.1, the above named petitioner No.2, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Khagaria in Pasraha P.S. Case No. 73 of 2013 (G.R. No. 1646/2013), subject to the conditions as laid

down under Section 438(2) of the Code of Criminal Procedure.

So far case of petitioner No.1, Shivji Singh is concerned, he is the husband and it has come that he was assaulting his second wife, who became traceless from the house of petitioner No.1, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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