

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34613 of 2016

Arising Out of PS.Case No. -2753 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Ram Naresh Singh son of Late Saryug Singh
2. Urmila Devi wife of Ram Naresh Singh,
Both residents of village Kadhan, P.S. kesaria, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar.
2. Balendra Singh, s/o Late Brendra Singh, R/o village Kedhan, P.S.
Kesaria District East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umakant Shukla

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 09-09-2016 Heard Sri Umakant Shukla, learned counsel for the

petitioners assisted by Sri Rajesh Ranjan, learned counsel for the

petitioners and Sri Shailendra Kumar Singh, learned Additional

Public Prosecutor.

Two petitioners, who claims to be pattidar / close
relative of the complainant /opposite party no. 2 have approached
this court apprehending their arrest in Complaint Case No. C-
2753 of 2012 registered for the offence under section 364/ 34 of
the Indian Penal Code for grant of bail.

It was submitted by learned counsel for the petitioners
that being pattidar dispute with the complainant was continuing.



On the basis of a written report which was submitted much belatedly by the complainant for an alleged occurrence of kidnapping of the son of the informant which as alleged had occurred on 4.7.2011 F.I.R. was lodged on 20.11.2011 vide Kesaria P.S. Case No. 211 of 2011 for the offence under section 364/ 34 of the Indian Penal Code in which both the petitioners who are husband and wife were arrayed as accused. However after thorough investigation case was not found true and petitioners were exonerated. Final report was submitted. Petitioners' name was not incorporated in column no. 11 of the charge sheet. The final report was accepted by the learned Magistrate, subsequently the present case has proceeded on the basis of protest petition.

In view of the facts and circumstances particularly the fact that during first investigation by the statutory investigating agency allegation was found not true and now the case has proceeded on the basis of protest petition which has been registered as complaint the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the two petitioners Ram Naresh Singh and Urmila Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two

sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Motihari, East Champaran /concerned court in connection with Complaint Case No. C-2753 of 2012 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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