

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9128 of 2016

Arising Out of PS.Case No. -224 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Pundeo Sah son of Budhan Sah
2. Sunil Sah Son of Dhuran Sah
3. Munni Lal Sah @ Mumi Lal Sah @ Munni Lal Prasad son of Chandrika Sah All are residents of Village Tadhwanandpur, Police Station- Bairiya, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party : Mr. Atul Chandra (App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Bairiya PS case no. 224/2015 for offences alleged under Sections

363, 420, 120B of the Indian Penal Code.

The prosecution story is that the accused

petitioners took away the son of the informant Raju Sah aged

about 27 yrs. to Ludhiana for earning his living in the month of

August, 2014. Thereafter, the informant's son used to talk with the

informant and his wife on mobile but in October-November 2014,

he stopped talking to the informant. In the month of February,

2015 accused petitioners came to their house and informant put pressure and organized a panchayat in which it was disclosed by the petitioners that quarrel took place between them with regard to theft of mobile and money and they assured to bring his son but did not bring him and they have thrown his son after killing him.

It has been submitted by the learned counsel for the petitioners that they have no criminal antecedent and the son of the informant used to live with them in Ludhiana but he stole certain amount from the house, so he was turned out of the house and from then onwards he has not returned. He submits that all the independent witnesses and hearsay witnesses have stated that the informant's son has run away from the house of the petitioners. This has also been taken note of in the supervision note by the police. He further submits that although the son of the informant stopped talking to the informant from October-November, 2014 but the FIR has been lodged after nearly one year i.e. on 27.08.2015 after inordinate delay.

However, learned APP for the State submits that the petitioners are named in the FIR and hence opposes the prayer for bail.

Be that as it may, since the petitioners have been implicated only on the basis of suspicion and the FIR has been

lodged after inordinate delay, let petitioners above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya PS case no. 224/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

rinkee/-

U			
---	--	--	--