

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50542 of 2016

Arising Out of PS.Case No. -57 Year- 2009 Thana -DEORIYA District- MUZAFFARPUR

- =====
1. Prema Devi @ Panna Devi, Wife of Late Manki Das, resident of Village-Bishunpur Saraiya, P.S.-Deoria, District-Muzaffarpur.
 2. Sheo Dayal Das @ Shivdayal Das, Son of Lakhindra Das, resident of Village-Mathia Paroo, P.S.-Paroo, District-Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Upendra Kumar Chaubey, Advocate.

For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Deoria P.S. Case No. 57 of 2009, corresponding to G.R. No. 1479 of 2009 for the offences instituted under Section 364 I.P.C. Later on Sections 302, 201 and 120(B) of the IPC were also added.

The prosecution story, in brief, is that on 26.09.2009, in the night, the informant went to give meal to her son Ganesh Das on his Betel shop. He was not found there and after making frenetic search she could not trace him and she has full reason to believe that these petitioners alongwith other co-accused have



kidnapped her son to kill. They also previously threatened to kill him.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. Except for suspicion, there is no other material to suggest their implication in the present case. As far as petitioner no. 1 is concerned, she is a lady. There is no eye witness to the alleged occurrence.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. The case is of the year 2009 and the petitioners have come to this Court in the year 2016. The delay has not been explained by the petitioners.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner no. 2, namely, Sheo Dayal Das @ Shivdayal Das. The same is rejected in Deoria P.S. Case No. 57/2009, G. R. No. 1479/2009, pending in the court of learned SDJM(West), Muzaffarpur.

As far as petitioner no. 1, Prema Devi @ Panna Devi is concerned, she is a lady, let her be released on bail in the event of her arrest or surrender before the learned court below within a period of six weeks from today in connection with Deoria P.S.



Case No. 57/2009, G.R. No. 1479/2009 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM (West), Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

