

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4429 of 2016

Arising Out of PS.Case No. -602 Year- 2015 Thana -ARARIA District- ARRARIA

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1. Sonu Son of Md. Imteyaz @ md. Imteyaz Alam,
 2. Md. Imteyaz @ Md. Imteyaz Alam, Son of Inamul, Both resident of village - Gaira, Police Station - Araria, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan
For the Opposite Party/s : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 364, 365/34 of the Indian Penal Code.

The prosecution case is that the brother of the informant being Up-Mukhiya of the gram panchayat was abducted on 05.12.2015 and the suspicion was raised against petitioner No. 2 being husband of the Panchayat Mukhiya and petitioner No. 1 being son of the petitioner No. 2, since the F.I.R was lodged against the Panchayat Mukhiya and petitioners for misappropriating the funds, as a result they used to threat the informant.

It is submitted by learned senior counsel for the petitioners that the victim was abducted on 05.12.2015 and on the same day he returned of his own. Hence, it becomes doubtful whether he was actually abducted or a scene was

created for lodging the present case. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That it so happened that the victim Brij Bihari Sahni on 05.12.2015 itself escaped from the captivity of his kidnappers reached village Gadhakat and thereafter he was brought to police station.”

It is further submitted that Araria P.S. Case No. 335 of 2015 was instituted against Panchayat Mukhiya being wife of petitioner No. 2 and others, wherein petitioners were made accused. Hence to that extent, accusation or the apprehension due to that has been levelled falsely by the informant. It is further submitted that 164 Cr.P.C statement of the victim was recorded on 11.12.2015, wherein he has stated that the motorcycle through which was kidnapped was parked near the house of the Panchayat Mukhiya but he did not identify any of the abductors. It is also submitted in para 5 that when he was abducted, he found petitioner No. 1 standing but in para 7 he raised suspicion that at the behest of petitioners and others he was being kidnapped.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the suspicious nature of accusation, the return of the victim from the captivity on the same day and 164 Cr.P.C statement of the victim where he

stated that he failed to identify the abductors, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 602 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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