

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35778 of 2016

Arising Out of PS.Case No. -116 Year- 2014 Thana -CHAKIA District- EAST CHAMPARAN
(MOTIHARI)

- =====
1. Asha Devi wife of Sudist Sah @ Sudhith Sah
 2. Sudist Sah @ Sudhith Sah son of Suraj Sah
 3. Rambalak Kumar son of Kailash Sah All resident of Muhalla- Chanakya Puri, Ward No.-07, Police Station- Chakiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 26-09-2016 Heard the learned counsel for the petitioners and the State.

Petitioner no.2 is the son of the informant who is an old retired person. Petitioner no.1 is the wife of petitioner no.2 whereas petitioner no.3 is the grand son of the informant.

In substance, the allegation is that the father of petitioner no.2 after the death of his mother had contracted second marriage. The second marriage produced diverse siblings. The informant was not providing support to the petitioners and was staying with the second wife and the sons of the second wife. On the date of occurrence, it is alleged, that the petitioners intruded into the house tied his hand whereafter at the dagger point the petitioner no.2 is said to have obtained several thumb

impressions of the informant on blank stamp papers as well as plain papers with respect to the house which was constructed by the informant from his retiral benefits. The further allegation is that all of them at the dagger point committed theft of a sum of Rs. 5000/- and escaped from the room when the villagers assembled.

The contention of the petitioners is that the allegations are vague and omnibus. The Investigating Officer did not in course of investigation find that those papers were converted into a valuable documents/security. Owing to family feud the present case is lodged.

Learned counsel for the State placed the FIR in extenso in order to submit that the old father was treated in very cruel manner by the petitioner as alleged therein. He was not only captivated and tied but at the daggers point they also forcibly obtained several thumb impressions of the informant on papers.

Considering the nature of the allegation and the other materials reflected from the record, including the order of the learned Sessions Judge, I am not inclined to extend the privilege of anticipatory bail.

Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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