

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30220 of 2017

Arising Out of PS.Case No. -243 Year- 2010 Thana -SAKRA District- MUZAFFARPUR

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1. Pramod Singh @ Pramod Kumar Singh @ Pramod Kumar S/o Ram Narain Singh.

2. Anit Devi W/o Pramod Singh @ Pramod Kumar Singh @ Pramod Kumar D/o Sri Shatrudhan Singh. Both resident of Village- Kharari, P.S. Hayaghat, District- Darbhanga. At present R/o Village- Dubaha, P.S. Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mostt. Lakshmi Devi, W/o Late Ram Kripal Singh, R/o Village- Dubha, P.S.- Sakra, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Sakra P.S.

Case No. 243 of 2010 arising out of Complaint Case No. 498 of 2010 instituted for the offence under Sections-364, 386/34 of the Indian Penal Code.

It has been submitted that the alleged kidnapped person, Shatrudhan Singh is father of petitioner No. 2 and father-in-law of petitioner No. 1. The petitioner No. 2 Anita Devi had earlier filed a case on 09-02-2010 vide Sakra P.S. Case No. 55 of 2010 for the offence under Sections-364/34 of the Indian Penal Code for kidnapping her father Shatrudhan Singh against



Rampravesh Singh, Vinod Singh and Ram Kripal Singh, all sons of husband of the informant. The charge sheet has already been submitted in that case on 01-12-2014 and cognizance has also been taken. The instant case has been filed merely to create a defence. The police after investigation, submitted final form in this case as mistake of fact, but learned Magistrate, has taken cognizance against the petitioners. Learned counsel for the petitioners further submitted that there is bona fide land dispute between the parties and Title Suit is also pending between them.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sakra P.S. Case No. 243 of 2010 to the satisfaction of learned Sub Judge XIII-cum-Additional Chief Judicial Magistrate, Sakra, Muzaffarpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on



two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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