

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50626 of 2017

Arising Out of PS.Case No. -417 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Neelam Devi, wife of Shambhu Kumar
2. Girja Devi, wife of Subhash Rai
3. Shambhu Kumar Mishra @ Shambhu Kumar Mira, son of Late Rajnikant Mishra.
4. Subhash Rai, son of late Ram Parikshan Rai

All resident of village – Kanhauli Bishundatt Yadav Tola, P.S. – Mithanpura, District – Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 17-10-2017 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners, in the present case, are seeking anticipatory bail in connection with Muzaffarpur Town P.S. Case No. 417/2017 for the offences under Sections 420, 467, 468, 471 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners at the outset submits that a bare perusal of the written statement giving rise to the present case would show that the story as alleged is false and highly improbable. As per the F.I.R. while the informant was going along with his grand son on the alleged date of occurrence one Scorpio came from



behind and the informant as well as his grand son were forcibly pushed inside the Scorpio and they were taken to a lonely place on a threat of a revolver and during all these period they were virtually blinded off by putting cloths around their eyes. It is alleged further that the accused persons forcibly took thumb impression of informant on some stamp paper and both the informant and his grand son were kept captive for several days. The informant further alleged that after few days of confinement he and his grand son were left at a lonely place near Malighat from where they returned their village.

Submission of learned counsel is that it is highly improbable that the informant and the grand son were missing but no F.I.R. was lodged by their family members. Learned counsel states that in fact the entire story has been attempted to be made out in order to avoid execution of a sale deed as contained in Annexure-2 to the present application which was executed by the informant in favour of petitioner nos. 1 and 2 on 07.04.2017.

Learned counsel submits that the photographs of the executors of the sale deed may be seen on the back side of page – 1 of the sale deed which has been duly attested by his grand son Raj Kumar. The execution and



the registration of sale deed in this manner cannot take place by keeping the informant and his grand son in confinement.

On the other hand, learned APP opposes the prayer for anticipatory bail of the petitioners, but on perusal of the records, this court is inclined to grant anticipatory bail to the petitioners considering that there was no F.I.R. lodged by any of the family members of the informant regarding his missing and the sale deed apparently contains photographs and signature of the executants and the witnesses, in the event of their arrest/surrender before the court below within a period of four weeks, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Muzaffarpur Town P.S. Case No. 417/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

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