

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43833 of 2017

Arising Out of PS.Case No. -401 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Shatrughan Kumar Jha,
2. Kapil Kumar Jha, Both are Sons of Rajeshwar Jha,
3. Ganesh Kamat Son of Bhogi Kamat,
4. Rajeshwar Jha Son of Turant Jha, All are R/o Village- Joki, P.S.-
Basopatti, District- Madhubani Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Maya Shankar Mishra, Adv.

For the Opposite Party : Mr. Anant Kumar, APP 237

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 21-09-2017 Heard both sides.

The petitioners apprehend their arrest in Town P.S. Case No. 401 of 2015 under Section 364, 307 and other sections of the Indian Penal Code.

The informant named the petitioners and others and alleged that when he had gone to Civil Court, Madubani, the petitioners were following him in the premises of Civil Court, Madhubani. The informant became suspicious and while he was going to the residence of his brother, the accused persons assaulted him and kidnapped him in Scorpio vehicle, bearing registration no. BR-7PA-3336. The accused persons assaulted the informant. On 30.08.2015, the informant found himself by the side of a canal situated in Basopatti near Dhamiyapatti Road.

The learned counsel for the petitioners submits that the informant was kidnapped on 26.08.2015 and he remained in captivity of the petitioner till 29.08.2015. The informant admitted in the hospital on 02.09.2015 and the doctor found only abrasion and opined that the injuries were caused within six hours. The injury report falsified the version of the informant as he was assaulted till 29.08.2015. It is, further, submitted that police after



investigation found the accusation against the petitioners false and the police submitted final form finding the case false against the petitioners, but, the learned Court below took cognizance under Section 307 and other sections of the Indian Penal Code.

The learned Additional Public Prosecutor opposed the prayer for anticipatory bail.

It appears that the informant made allegation against the petitioners that they kidnapped him and kept him confined for 3-4 days. The informant also alleged that he was badly assaulted, but, the doctor found only abrasion on the body of the informant and the injuries are opined to be simple in nature. The police after investigation found the accusation false and, accordingly, submitted final form against the petitioners, but, the learned Court below took cognizance.

Considering the facts, aforesaid, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with **Town P.S. Case No. 401 of 2015** to the satisfaction of the **Chief Judicial Magistrate, Madhubani**, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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