

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6338 of 2018

Arising Out of PS. Case No.-200 Year-2017 Thana- AADAPUR District- East Champaran

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1. Mantosh Kumar, S/o Shambhu Patel,
 2. Shambhu Patel S/o Late Mandal Patel, Both R/o Vill.- Kachur
P.S.- Harpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. YOGENDRA KR. SINGH(APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 363-A and 365/34 of the IPC.

The prosecution case as per the written report of Sonelal Raut dated 13.7.2017 submitted to the SHO, Harpur Police Station is to the effect that his nephew Rajan Kumar, was taken by the petitioners on 22.5.2017 at 10 A.M. on the pretext of getting him employed at Lucknow. Pramila Devi had seen the nephew of the informant and the petitioner no. 1 Mantosh on the railway station.

It is submitted by learned counsel for the petitioners that the petitioners are neighbour of the informant and in the background of land dispute, petitioner no. 1 and his father



(petitioner no.2) have maliciously been implicated in the present case. The victim went traceless on 22.5.2017 when the written report was submitted on 13.7.2017, which came to be registered as Adapur (Harpur) P.S. Case No. 200 of 2017 on 13.7.2017 itself. There is no explanation for such delay for lodging the FIR after about two months of the occurrence. At earlier point of time the petitioners' side filed application before the S.P., Motihari about the false implication due to land dispute, then the victim appeared and got his 164 Cr.P.C. statement recorded on 31.10.2017 where, it is alleged that petitioner no. 1 on the promise of payment of Rs.6800/- per month, took him to Lucknow where he was given snacks mixed with sedative and he was made to work as maid servant in a house. The victim suggested that his monthly payment was being received by petitioner no. 1. He remained at Lucknow for three months and one day he ran away from the employer's house and came home. It is further submitted that 164 Cr.P.C. statement suggests that the victim of his own went to Lucknow and returned to his house. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Neither the FIR nor 164 Cr.P.C. statement of the victim suggests even suspicion against petitioner no. 2.



Learned APP submits that there is specific accusation against the petitioners.

Considering the suspicious nature of accusation, delayed lodging of the FIR, 164 Cr.P.C. statement and the victim himself returning home, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul at Motihari in connection with Adapur (Harpur) P.S. Case No.200 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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