

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57728 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- SHYAMPUR BHATHA District- Sheohar

1. Rajan Kumar.
2. Pawan Kumar @ Pawan Kumar Singh, Both Sons of Saroj Singh.
3. Bikram Kumar Singh, Son of Manoj Singh.
4. Dheeraj Singh, Son of Late Lakshman Singh.
5. Lakhindra Singh, S/o Dhurav Narayan Singh. All resident of Village- Jhitkanhi, P.S. Shyampur Bhatha, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	: Mr. Prabhat Kumar, Advocate. Mr. Prasoon Sinha, Advocate.
For the State	: Mr. Arbind Kumar Pandey, APP.
For the Informant	: Mr. Md. Anisur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Shyampur Bhatha P.S. Case No. 55 of 2018 dated 20.06.2018 instituted for the offences under Sections 143, 149, 363 and 365 of the Indian Penal Code.

The informant who is the brother of the victim has alleged that while his brother Nand Kishore Singh was coming back home along with one Sujeet Kumar Singh, accused persons who were waiting from before in two tractors kidnapped Nand Kishore Singh. The cause



of occurrence is stated to be old enmity.

Learned counsel appearing for the petitioners has submitted that the aforesaid Nand Kishore Singh has been recovered and he has made a statement under Section 164 Cr.P.C. in which he has not named anyone of the petitioners. Learned counsel for the petitioners has further submitted that the informant who is not an eye witnesses to the occurrence has named the petitioners in the FIR but such statement does not appear to be correct in view of the 164 statement of the victim. It has further been submitted that one of the accused persons viz. Saroj Singh had lodged a case against the informant and others for the abduction of his daughter.

Mr. Anisur Rahman, learned advocate for the informant has informed this Court that the daughter of aforesaid Saroj Singh has been recovered and she too has made a statement under Section 164 Cr.P.C.

It appears that the parties are on litigating terms and the present incidence took place because the daughter of aforesaid Saroj Singh was kidnapped by the informant side.

Mr. Anisur Rahman has further submitted that one of the accused persons of this case has been granted regular bail.



In any view of the matter, since the petitioners, even though named in the FIR, have not been named by the victim, I am inclined to grant anticipatory bail to them.

While saying so I have also taken note of the fact that the petitioners no. 1, 2 and 4 do not have any criminal antecedent whereas petitioners no. 3 and 5 have been made accused in one case only for minor offences in which they are on bail.

The petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Shyampur Bhatha P.S. Case No. 55 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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