

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39941 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- TARIYANI CHOWK District- Sheohar

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Hari Shankar Sah S/o Late Methur Sah Resident of Village - Chak Surgahi,
P.S. - Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar
For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-07-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in connection with Tariyani P.S. Case No. 46 of 2018 dated 04.04.2018 instituted for the offences under Sections 182, 193, 195, 211, 203, 365, 368, 427 and 120(b) of the Indian Penal Code.

The son of the petitioner had lodged a case with regard to his father (petitioner) having gone missing. It was alleged by the son of the petitioner that his father had gone to attend a feast but never returned. In the aforesaid case, two persons were arrested on suspicion, who later disclosed that it was under a conspiracy that the petitioner and the aforesaid two arrested persons had put up a case of kidnapping for the purposes of



falsely implicating the *Samadhi* of the petitioner. The reason for such an effort was to teach a lesson to the *Samadhi* of the petitioner for not having interceded in the matrimonial dispute between the daughter of the petitioner and her husband.

Mr. Prasoon Sinha, learned counsel for the petitioner has submitted that without concluding the investigation of the case lodged by the son of the petitioner, the present case has been initiated. He has further submitted that instead of properly investigating the case, the police has taken a short-cut of jumping to the conclusion that an effort was made by the petitioner and two others for creating evidence for falsely implicating the *Samadhi* of the petitioner. Had this allegation been true, the son of the petitioner would have been a party to such a conspiracy who would have raised some suspicion in the FIR lodged by him vide Tariyani P.S. Case No. 45 of 2018.

True it is, it has been argued, that the daughter of the petitioner is not being kept properly in her matrimonial home but that would not be the impelling motive for the informant to falsely implicate the father-in-law of his daughter in a false case. No such effort is required as the father-in-law would otherwise have been made accused in a case of demand for dowry or torture



because of non-fulfillment of dowry. Such effort on the part of the petitioner was meaningless and it has been submitted that the petitioner would not have unnecessarily created a situation for him to be again implicated in a case for falsely implicating his *Samadhi*.

Be that as it may, the petitioner is in custody since 05.04.2018.

Regard being had to nature of accusation, the petitioner above named is directed to be released on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 46 of 2018.

(Ashutosh Kumar, J)

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