

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6479 of 2018

Arising Out of PS. Case No.-125 Year-2014 Thana- KHAGARIA District- Khagaria

1. Rajo Sahani, Son of late Jageshwar Sahani
2. Karo @ Karua Sahani, Son of Rajo Sahani
3. Sanjeet Sahani, Son of Rajo Sahani
4. Sudhir Paswan, Son of late Kesho Paswan
All are resident of Village-Kamalpur, Gachhi Tola, P.S.+District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party/s : Sri Lakshmi Kant Shamra, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 364 and 366A/34 of the Indian Penal Code.

Initially the prosecution case got initiated with filing of Complaint Case No.144 C of 2014, which came to be registered as police case being Khagaria P.S Case No.125 of 2014, after being transferred under Section 156(3) of the Code of Criminal Procedure.

The prosecution case is that on 05.01.2014, co-accused Jhalo Devi called the eight years old minor daughter of the



informant from her house and sent her to bring 'bidi', while other accused persons were moving there in suspicious condition and since then the daughter of the informant is missing. Thereby suspicion was raised that the accused persons perhaps kidnapped the minor daughter of the informant. It is further alleged that on enquiry, the accused persons assured the informant that her daughter will return soon.

It is submitted by learned counsel for the petitioners that only on suspicion the accusation has been levelled. The daughter of the informant went missing on 05.01.2014, when the complaint was filed on 11.01.2014 and there is no explanation for the same, however, the complaint got registered as police case on 04.03.2014. The victim was recovered and in the statement recorded under Section 164 of the Cr. P.C., she has stated that her neighbour Kalo Devi asked her to bring 'bidi' and when she returned then Anita Devi sprayed some sedative on the face of the victim, thereafter the victim fell unconscious. It is further submitted that the impugned order suggests that on conclusion of investigations, the petitioners were not sent up for trial, but differing with the final form, the cognizance has been taken under Sections 365 and 372 of the I.P.C. A statement has been made in paragraph no.3 of the petition that the petitioners



are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the petitioner has also participated in the kidnapping of the minor daughter of the informant.

Considering the fact that the victim has not named the petitioners in 164 of the Cr. P.C. statement coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Khagaria, in connection with Khagaria P.S. Case No. 125 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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