

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6244 of 2018

Arising Out of PS. Case No.-201 Year-2017 Thana- CHIRAIYA District- East Champaran

1. Sajawal Sah, Son of Late Gokul Sah,
2. Rajesh Sah, Son of Sajawal Sah,
3. Nageshwar Sah, Son of Late Gokul Sah,
4. Champa Devi, Wife of Sajawal Sah, All residents of Village-Sauragarh, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. SRI GANESH PRASAD SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 365, 366 and 498/34 of the IPC.

The prosecution case, as per the written report of Hari Kishore Prasad Kushwaha dated 17.07.2017, submitted to the Officer-in-Charge, Chiraiya Police Station is to the effect that on 07.07.2017 at 5 PM, the accused came armed with lathi and bamboo stick with intention to assault the informant, but the issue was pacified, though, they threatened to kidnap and kill the wife and children of the informant. On 08.07.2017, the informant went to his work, but when he returned, he found his



wife Sangeeta Devi, children, Happy Kumari and Ankit Kumar, along with one infant baby missing from the house. In view of the threat given by the petitioners on earlier occasion, the informant suspected that they kidnapped his wife and children.

It is submitted by learned counsel for the petitioners that since the petitioners were on inimical terms with the informant, hence they have been roped as an accused in the present case. The statement of the wife of the informant was recorded under Section 164 Cr. P.C. on 18.09.2017, wherein, she stated that since there was fight with her husband, she took her children and went to the house of her maternal aunt and she has never been kidnapped. The victim has not named the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering delayed lodging of the FIR and statement of the victim recorded under Section 164 of the Cr. P.C., coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from



today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sikrahana, East Champaran in connection with Chiraiya P.S. Case No. 201 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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