

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23524 of 2019

Arising Out of P.S. Case No.-276 Year-2018 Thana- HAJIPUR District- Vaishali

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1. Vikram Sah, (Male), aged about 29 years, Son of Satrudhan Sah Resident of Village- Jadhua, P.S.- Hajipur Town, District- Vaishali.
 2. Vishal Kumar (Male), aged about 27 years, Son of Satrudhan Sah Resident of Village- Jadhua, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-07-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Hajipur Town PS Case No. 276 of 2018 dated 29.04.2018 instituted under Sections 365/34 of the Indian Penal Code to which Section 376 was later added.

3. The petitioners, along with another co-accused, are alleged to have kidnapped the wife of the informant and later upon her recovery, she has stated with regard to the other co-accused Gaurav having committed rape.



4. Learned counsel for the petitioners submitted that they are the cousin of the informant and in the past, the other co-accused had also lodged an Informatory Petition before the CJM, Vaishali expressing the apprehension that the informant and his family members may implicate him and his family members in false case. It was submitted that the said petition was filed about a year prior to filing of the present case. It was further pointed out that there are various cases filed by the petitioners as also the wife of the informant against each other. Learned counsel submitted that the FIR itself discloses that the wife of the informant went on 07.08.2018 but the case having been lodged on 29.04.2018, i.e., after 22 days shows the falsity of the allegations. It was further submitted that even in the statement of the wife of the informant, who is said to have been abducted, under Section 164 of the Code of Criminal Procedure, 1973, the story that she was kept at Noida for 28 days, there is no explanation as to why she did not raise any alarm or took steps to free herself and return. It was submitted that most surprisingly, she has stated that the accused had also brought her back to from Delhi to Mahua, which shows the falsity of any abduction.



5. Learned APP, upon going through the case diary was not able to controvert the submissions made on behalf of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town PS Case No. 276 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioners.

(Ahsanuddin Amanullah, J.)

P. Kumar

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