

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55968 of 2018

Arising Out of PS. Case No.-53 Year-2017 Thana- PHENHARA District- East Champaran

Ranjeet Prasad Shah @ Ranjeet Prasad @ Ranjeet Shah, S/o Late Bindeshwari Prasad Shah @ Bindeshwari Shah, R/o Vill.- Phenhara Fenhara, P.S.- Phenhara Fenhara, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Sri Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 09-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 364 of the Indian Penal Code.

The prosecution case, as per the written report of Surendra Rai submitted to the Station House Officer of Phenhara Police Station, is to the effect that the brother-in-law of the informant, Bijan Rai used to work in the oil mill of the petitioner. On 02.06.2016, the informant went to the oil mill of the petitioner to meet his brother-in-law but he was not found there, thereafter, informant inquired from the petitioner about his brother-in-law then he shown ignorance. On 10.06.2016 the petitioner snatched all the documents from the wife of brother-



in-law of the informant, namely, Deepa Devi. When the informant after knowing about the incident went to the petitioner and inquired about his brother-in-law then the petitioner abused the informant, hence, the informant raised suspicion against the petitioner.

It is submitted by learned counsel for the petitioner that the brother-in-law of the informant went missing on 02.06.2016 but the FIR was lodged on 11.07.2017. The brother-in-law of the informant was working in the oil mill of the petitioner. It is further submitted that the wife of the victim also gave informatory petition before the Officer-in-Charge of Phenara Police Station to the effect that the victim went missing on 02.06.2016, hence, on suspicion the accusation has been levelled against the petitioner. It is further submitted that the wife of the victim has not raised any suspicion against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the informant has raised suspicion against the petitioner and the case diary does not suggest any explanation for delayed lodging of the case.

Considering the fact that the FIR was lodged after



more than one and half years of the victim went missing, suspicious nature of accusation and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 12th, Motihari, East Champaran in connection with Phenhara (Fenhara) P.S. Case No. 53 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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