

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45171 of 2019

Arising Out of PS. Case No.-43 Year-2013 Thana- AANDAR District- Siwan

1. Shail Devi @ Shail Kumari, W/o Sriram Prasad Gupta @ Sri Ram Sah, R/o village- Aandar, P.S.- Aandar, District- Siwan. At present Development Area, Gangtok, P.S.- Gangtok, District- Gangtok (Sikkim)
2. Sri Ram Sah @ Sri Ram Prasad Gupta, S/o Late Butan Sah @ Lutan Sah, R/o village-Aandar, P.S.- Aandar, District- Siwan, At present Development Area, Gangtok, P.S.- Gangtok, District- Gangtok (Sikkim)
3. Jeetan Sah, S/o Harihar Sah, R/o village- Andar, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-07-2019 This is an application for grant of anticipatory bail in connection with Andar P.S. Case No. 43 of 2013, disclosing offences under Sections 363A, 364, 34 of IPC.

Allegation as per complaint petition on the basis of which, the F.I.R. was registered that the petitioners no.1 and 2 have taken her minor son to Gangtok (Sikkim) on the promise that they will provide monetary assistance to him but thereafter, they did not get any information about her son even after three years and as such, she has apprehension that the accused persons including the petitioners had sold or they have committed the murder to her son.



Submission of the learned counsel for the petitioners is that in this case after investigation, the final form has been submitted by the police but not found the case true. However, cognizance has been taken by the learned Magistrate. Even the materials collected during the course of investigation does not support the prosecution case at para 22 and 34 of the case diary.

Heard learned A.P.P. also, who has opposed the prayer for anticipatory bail.

Having heard both sides, considering the above submissions, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate-IX, District Siwan, in connection with Andar P.S. Case No. 43 of 2013, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

U		T	
---	--	---	--

