

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48001 of 2019

Arising Out of PS. Case No.-178 Year-2018 Thana- RAJAPAKAR District- Vaishali

1. Vijay Singh @ Vijay Kumar Son of Ram Briksh Singh Resident of Village - Madhaul Khurd, P.S.- Desari in the district of Vaishali.
2. Mukesh Singh @ Mukesh Kumar Rai Son of Deena Singh Resident of Village - Madhaul Khurd, P.S.- Desari in the district of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 367 of the Indian Penal Code.

The prosecution case is that the informant Sushila Devi initially filed a complaint before learned CJM, Vaishali at Hajipur which subsequently came to be registered as police case after transferred under Section 156(3) of the Cr.P.C, wherein it is alleged that in January, 2018 the accused persons came at the house of the informant and offered employment to her son in Gujrat on monthly payment of Rs.20,000 but they took the son



of the informant to Gauhati (Assam) and thereafter, son of the informant namely, Santosh Rai went missing.

It is submitted by learned counsel for the petitioner that in fact the sister of petitioner no. 2 namely, Babita Devi was married with the son of the informant, Santosh Rai, the victim. The said Babita Devi filed complaint case with accusation under Section 498A of the IPC against the informant and her family members. She has also filed Maintenance Case No. 245 of 2018 against her husband, Santosh Rai. The petitioner no. 2, Mukesh Singh is the brother-in-law (Sala) of the son of the complainant, whereas petitioner no. 1, Vijay Singh is the son of maternal uncle of petitioner no. 2, Mukesh Singh. Hence, the informant has filed the present case as a retaliatory measure to save her skin and the skin of her family members from the case filed by the sister of petitioner no. 2. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. There is no proof that the son of the informant ever went in the company of the petitioners.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that in the background of the case filed with accusation under Section 498A of the IPC by the



sister of petitioner no. 2 against informant side at earlier point of time and statement being made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar (Baranti O.P.) P.S. Case No. 178 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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