

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2318 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- JALALGARH District- Purnia

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1. Dilip Sharma @ Dilip Kumar, Son of Late Lalu Sharma.
 2. Bishnu sharma @ Bishnudeo Sharma, Son of Late Pahup Lal Sharma. Both residents of Village-Chak Hat, P.S- Jaalgarh, District Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bijendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Shyameshwar Dayal (App 63).

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-01-2019 Learned counsel for the petitioners is permitted to make necessary corrections in paragraph no. 1 of the bail application, in course of the day.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 363, 365 and 370 of the IPC. Later on Sections 302, 201, 120(B)/34 of the IPC were also added.

The prosecution, in brief, is that on 23.06.2018 at about 10.00 A.M. maternal aunt (*Mousi*) of the informant, namely, Mala Devi and Kalawati came to *Jalalgarh Market* from their house and from there they remained traceless.



Informant and his family members started searching his *Mousi* but they did not trace out. It is alleged that unknown miscreants kidnapped them.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. Petitioners are not named in the F.I.R. Their name has come in the present case merely on the basis of suspicion. Except for suspicion, there is +no other substantive evidence to suggest the implication of the petitioners. Other similarly situated co-accused has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 59175 of 2018 order dated 02.11.2018.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M.,



Purnea, in connection with Jalalgarh P.S. Case No. 115 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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