

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13873 of 2020**

Arising Out of PS. Case No.-2589 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. Balendra Das @ Balendra Rai, aged about 55 years (Male), Son of Bhograj Das, Resident of - Paharpur, Nagar, P.S.- Mahua, Distt - Vaishali, Bihar.
 2. Chotu Kumar, aged about 19 years (Male), Son of Balendra Das @ Balendra Rai, Resident of - Paharpur, Nagar, P.S.- Mahua, Distt - Vaishali, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Anish Kumar, Advocate.
For the Opposite Party : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

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 341, 323, 504, 344 and 354 of the IPC.

The prosecution story, in brief, is that on 14.07.2017, on instigation of Balendra Das (petitioner No. 1), Chotu Kumar (petitioner no. 2) and co-accused Devendra Sah forcibly took the complainant on a Motorcycle and demanded Rs. 2,00,000/- for release her. Accused persons including the petitioners



released her after 10-12 days after taking her cash, ornaments and Mobile Phone and threatened not to disclose their names. After release, the complainant made her false statement under Section 164 Cr.P.C. due to fear of accused persons. Subsequently, on 10.08.2017, the accused threatened the complainant to kidnap her again and assaulted her husband and Bhaisur and also torn her Sarre.

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 falsely been implicated in the present case. Earlier a police case bearing Sadar Hajipur P.S. Case No. 338 of 2017, annexed as Annexure-2 to the present application, was instituted against the petitioners and others under Sections 366/34 of the I.P.C. After investigation, the police finding the case to be false and submitted final form against the petitioners and others. Subsequently, the complainant filed a complaint-cum-protest petition before the learned court below and thereafter cognizance was taken against the petitioners others under Sections 341, 323, 504, 344 and 354 of the IPC. Hence, the present bail application has been filed. The allegation made in



the protest petition/complaint case is denied by the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./complaint case.

Considering the facts and circumstances of the case and also the lockdown, 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 their personal bond to the satisfaction of the learned A.C.J.M. Court, Vaishali at Hajipur, in connection with Complaint Case No. C-1-2589/2018, corresponding to Trial No. 68 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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