

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12257 of 2020

Arising Out of PS. Case No.-444 Year-2019 Thana- RANIGANJ District- Araria

1. BHAGWAN DAS Son of Late Ghutam Mehta Resident of Village - Majhuwa Paschim, Ward No.- 7, P.S.- Raniganj, District - Araria (Bihar)
2. Raj Kali Devi Wife of Bhagwan Das Resident of Village - Majhuwa Paschim, Ward No.- 7, P.S.- Raniganj, District - Araria (Bihar)
3. Sanjay Kumar @ Sanjay Mehta Son of Bhagwan Das Resident of Village - Majhuwa Paschim, Ward No.- 7, P.S.- Raniganj, District - Araria (Bihar)
4. Sheela Devi Wife of Sanjay Mehta Resident of Village - Majhuwa Paschim, Ward No.- 7, P.S.- Raniganj, District - Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Mishra, Adv
For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 06-11-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Raniganj P.S. Case No. 444 of 2019 registered for the offence punishable under sections 363, 366 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, the accused persons named in the FIR including the petitioners herein, as a result of the earlier dispute between the parties are alleged to have taken the



wife of the informant on the assurance that she would return back soon. It is further stated that thereafter she did not return and inspite of search, she was not to be found. The informant came to learn that she has been taken away for the purpose of marriage.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are all false and concocted. It is because of dispute between the parties that the petitioners have been falsely implicated in the case. Referring to statement of the wife of the informant under section 164 Cr.P.C, it is submitted that she does not make any statement with respect to the forced second marriage as alleged in the FIR. It is further stated that the statement under section 164 Cr. P.C wherein the wife of the informant states that she was beaten up on 2.12.2019, fell unconscious and then when she regained consciousness on 14.12.2019 she was in “kala balwa” is falsified from the material that has transpired in course of investigation. In course of investigation the Investigating Officer of the case met the father and brother of the informant’s wife who have categorically stated that it was on 2.12.2019 itself that she had reached their place. The petitioners have no criminal antecedent.



The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners, the delay of four days in lodging of the FIR together with the statement of the father and brother of the wife of the informant which has come in course of investigation, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Raniganj P.S. Case No. 444 of 2019, they will be enlarged on bail on each of them furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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