

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18222 of 2020

Arising Out of PS. Case No.-485 Year-2019 Thana- PUPRI District- Sitamarhi

1. Shakuntala Devi, aged about 30 years, Female, D/o Ramchandara Mukhia @ Ramchandra Mukhiya, Resident of Village- Hanuman Nagar, P.S.- Sahiyara, District- Sitamarhi.
2. Ramchandra Mukhia @ Ramchandra Mukhiya, aged about 70 years, Male, S/o Late Balchand Mukhia, Resident of Village- Hanuman Nagar, P.S.- Sahiyara, District- Sitamarhi.
3. Shaligram Jha, aged about 45 years, Male, S/o Gangadhar Jha, Resident of Village- Hanuman Nagar, P.S.- Sahiyara, District- Sitamarhi.
4. Rambabu Mukhia, aged about 50 years, Male, S/o Yogendra Mukhia, Resident of Village- Jahangirpur, P.S.- Runnisaipur, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Uday Kumar, Advocate.

For the Opposite Party : Mr.Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-08-2020 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 363 and 365 of the IPC.

The prosecution story, in brief, is that on 07.12.2019,



the accused persons including the petitioners kidnapped the son of the informant, namely, Abhijeet Kumar for the purpose of marriage while he had gone on his duty in the *Garage*.

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. Prior to the present case, the petitioner no. 1 has instituted a case for an offence under Section 498(A) and other allied sections of the I.P.C. against the informant and his family members. In retaliation to that, the present case has been instituted. The present case is a malafide prosecution. It has been submitted that the present case has been instituted only with an intention to put pressure upon the petitioners and his family members to compromise the earlier case which was instituted by the petitioner no. 1.

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

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 eight weeks from today, be released on anticipatory



bail on their personal bond to the satisfaction of the learned
S.D.J.M. Pupri at Sitamarhi, in connection with Pupri P.S. Case
No. 485 of 2019 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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