

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49820 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- VALMIKINAGAR District- West
Champaran

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1. Zafrul Hasan, S/o Late Badruzama, Resident of Village- Bisaha, P.S.- Valmikinagar, District- West Champaran
 2. Neyaz Hasan, Son of Late Badruzama, Resident of Village- Pipara Kutti, P.S.- Valmikinagar, District- West Champaran
 3. Sadrul Hasan@ Sadrul Husain, Son of Late Badruzama, Resident of Village- Pipara Kutti, P.S.- Valmikinagar, District- West Champaran
 4. Md. Hanif @ Hanif Mian, S/o Habib Mian, Resident of Village- Pipara Kutti, P.S.- Valmikinagar, District- West Champaran
 5. Shatarudhan Pal, S/o Kedar Pal, Resident of Village- Pipara Kutti, P.S.- Valmikinagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 13-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 364A, 364 and 120B of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that the accused persons kidnapped her husband and under coercion got him to execute a registered deed. It is further stated



that they asked the informant to pay ransom of Rs. 10 lakhs for release of her husband.

It is submitted by learned counsel for the petitioners that the so-called victim-husband of the informant, had returned home. The allegations levelled against the petitioners are false and concocted which would be evident from the fact that even as per the F.I.R. for an occurrence of 08.02.2019, a complaint was lodged by the informant on 16.04.2019 and on reference ultimately, the F.I.R. was registered on 03.05.2019. It is submitted that there is no reasonable explanation for the delay. It is further submitted that the husband of the informant had executed a registered sale deed on 11.02.2019 in favour of the petitioner no.1, wherein, the petitioner nos. 4 and 5 were witnesses. It was subsequent to the registration of the said deed that the father and brother of the informant's husband filed Title Suit no. 36 of 2019 on 28.03.2019 making the petitioner no.1 and the husband of the informant as defendant nos. 1 and 2. On dismissal of the said suit on technical grounds another suit being Title Suit no. 47 of 2019 was filed by the same plaintiffs on 18.04.2019. It is submitted that inspite of successive title suits, surprisingly there was no mention of the disappearance or kidnapping of the husband of the informant, which was only for



the reason that the allegations as levelled in the F.I.R are false and concocted.

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 facts and circumstances of the case including the delay in lodging of the F.I.R and non-mentioning of occurrence of kidnapping in the two title suits together with the fact that the husband of the informant had returned home, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Valmikinagar P.S. Case No. 28 of 2019 is directed to 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 Additional Chief Judicial Magistrate-I, Bagaha, West Champaran, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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