

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32237 of 2020

Arising Out of PS. Case No.-204 Year-2020 Thana- LAUKAHA District- Madhubani

Md. Shamim (Male), aged about 64 years, Son of Late Saguni Miya, Resident of Village - Laukaha, P.S.- Laukaha, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra with Ms. Kumari Shubham, Advocates
For the State	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-01-2021

Heard Mr. Shashank Chandra, learned counsel along with Ms. Kumari Shubham, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Laukaha PS Case No. 204 of 2020 dated 27.07.2020 giving rise to G.R. No. 1366 of 2020, instituted under Sections 363/365/34/120B of the Indian Penal Code.

3. The allegation against the petitioner and four others is that they had abducted the wife and daughter of the informant after making them unconscious by sprinkling powder.

4. Learned counsel for the petitioner submitted that all his family members, including women, have been made



accused in a totally false case by abusing the system and for exerting pressure for making the petitioner and his family members pay a huge amount of money to the informant. It was submitted that in the FIR itself it has been stated that with the son of the petitioner there was dispute with the informant relating to money. Learned counsel submitted that though in the FIR the allegation is that the wife and daughter of the informant were kidnapped on 25.07.2020, but the wife has got her statement recorded before the Court under Section 164 of the Code of Criminal Procedure, 1973 on 05.08.2020, claiming that after losing consciousness in the house when she gained consciousness, she found herself on the border of Nepal and from there she had come with the police. It was also stated that there was dispute with regard to rupees two lakhs between the informant and son of the petitioner. Learned counsel further submitted that there is no allegation of any other wrong doing on the part of the petitioner or any of the family members to the wife of the informant. It was submitted that she has not stated with regard to her daughter being also kidnapped with her. Learned counsel submitted that such story of five members of the petitioner family going into the house of the informant, in the background of there being dispute between them, cannot be believed and further, the story that due to powder



being sprinkled, the effect would only be on the informant and his family and not on the accused when there is no allegation that the accused were bearing mask so as not to inhale the powder, the story is totally unbelievable. It was also submitted that there being no mentioning of the daughter of the informant being with the wife and she *suo motu* claiming that when she gained consciousness she was brought by the police, is also unbelievable for the reason that if at all the petitioner and his other family members had abducted her, they would not have just left her at any spot so that she may regain consciousness and come and give her statement to make out a water tight case against the petitioner and his family members which would be sufficient for them to be prosecuted. Learned counsel submitted that the petitioner besides being an old man aged about 64 years also does not have any criminal antecedent and is in custody since 31.07.2020.

5. Learned APP submitted that the allegation against the petitioner is also of abducting the wife and daughter of the informant. However, he did not controvert that in the FIR the story is that both the wife and the daughter of the informant were abducted but in the statement to the Court, by the wife of the informant, it appears that only she claims to have been abducted.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Madhubani in Laukaha PS Case No. 204 of 2020 dated 27.07.2020 giving rise to G.R. No. 1366 of 2020, subject to the condition that one of the bailors shall be a close relative of the petitioner. The petitioner shall also cooperate with the Court. Failure to do so shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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