

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40875 of 2020

Arising Out of PS. Case No.-76 Year-2018 Thana- BIDUPUR District- Vaishali

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1. Uma Shankar Singh @ Uma Shanker, aged about 50 years, Gender-Male, Son of Late Fekan Singh.
 2. Amit Kumar @ Amit Singh, aged about 36 years, Gender-Male, Son of Ram Shankar Singh.
Both residents of Village- Kharika, PS- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravish Mishra, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ravish Mishra, learned counsel for the petitioners and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Bidupur PS Case No. 76 of 2018 dated 01.04.2018, instituted under Sections 363/365 of the Indian Penal Code.

4. The allegation against the petitioners is of enticing away the daughter-in-law of the informant.

5. Learned counsel for the petitioners submitted that they have been falsely implicated and there has been past



history of similar incident in the family of the informant earlier also as two of her daughters-in-law had run away and this is the third such instance. It was submitted that the petitioners have been falsely implicated because they had refused to depose in favour of the informant in a suit. Learned counsel drew the attention of the Court to Annexure-4 of the supplementary affidavit, which is copy of compromise filed between the parties, dated 08.02.2021, in which it has been stated that the daughter-in-law of the informant had gone to her parents' place and the petitioners have been wrongly made accused. Learned counsel submitted that co-accused Sunil Kumar Singh @ Sunil Singh and Dipu Kumar, have been granted anticipatory bail by a co-ordinate Bench by order dated 21.08.2018 passed in Cr. Misc. No. 41459 of 2018.

6. On 19.07.2021, the Court had asked learned APP to obtain the up-to-date legible photocopy of the entire case diary of the case from the Superintendent of Police, Vaishali, who was also required to send a specific report with regard to whether the daughter-in-law of the informant had been located.

7. Learned APP submitted that a report has been sent by the Superintendent of Police, Vaishali in which it has been stated that the daughter-in-law of the informant has not been located and



further that the whereabouts or the address of the parental house of the daughter-in-law of the informant is also not known.

8. At this juncture, the Court called upon learned counsel for the petitioners to explain as to how he had taken a stand before the Court on 19.07.2021 that as per his instructions, the daughter-in-law of the informant was at her parental home when the address of the parental home was not known, he submitted that such stand was taken in view of what was written in the compromise that the daughter-in-law had gone to her parents' place.

9. Learned APP, from the case diary, submitted that witnesses have consistently stated that the daughter-in-law of the informant had run away with the petitioner no. 2. However, it was submitted that they have also stated that the other accused had been falsely implicated.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that witnesses have consistently supported the prosecution case with regard to the petitioner no. 2, namely, Amit Kumar @ Amit Singh, that he was instrumental in the daughter-in-law of the informant becoming traceless. Thus, the Court is not inclined to grant pre-arrest bail to petitioner no. 2, namely, Amit



Kumar @ Amit Singh. Accordingly, the petition on behalf of petitioner no. 2, namely, Amit Kumar @ Amit Singh, stands dismissed.

11. With regard to petitioner no. 1, namely, Uma Shankar Singh @ Uma Shanker, as the witnesses have indicated towards there being false implication, the Court is persuaded to allow his prayer for pre-arrest bail.

12. Accordingly, in the event of arrest or surrender before the Court below, within six weeks from today, the petitioner no. 1, namely, Uma Shankar Singh @ Uma Shanker 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 Chief Judicial Magistrate, Vaishali at Hajipur in Bidupur PS Case No. 76 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner no. 1 and (ii) that the petitioner no. 1 shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of his bail bonds.

13. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no.



1, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 1.

14. The Court would indicate that it has not considered the compromise petition as a totally false ground has been taken that the daughter-in-law of the informant had gone to her parents' home when in the police investigation, it has specifically come that none of the parties were even aware of the address of the parents of the daughter-in-law of the informant and, thus, the Court does not find any occasion to rely on the same and has gone by other objective materials which have come during police investigation for the purposes of considering the present petition.

15. The petition stands disposed of in the aforementioned terms.

16. Interim protection granted to petitioner no. 2, under order dated 19.07.2021, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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