

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12941 of 2020

Arising Out of PS. Case No.-900 Year-2019 Thana- BIHTA District- Patna

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1. Barsha Devi, aged about 24 years, female, W/o Anjani Kumar (Daughter-in-law full brother of Sunil Kumar).
2. Hirajhari Devi, aged about 41 years, female, W/o Rajeshwar Paswan (Wife of full brother of Sunil Kumar or Hirajhari Devi, Daughter of Subas Paswan.
3. Bhagwati Devi, aged about 58 years, female, W/o Late Shivjatan Paswan (Mother of Sunil Kumar).
All are R/o Village-Banwaripur, P.S.-Bihta, Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binayak Kumar Shrivastav, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 22-02-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Bihta P.S. Case No. 900 of 2019, dated 26.09.2019, instituted for the offences under Sections 363, 364 and 34 of the Indian Penal Code.

The sister of the informant is stated to have been kidnapped. The aforesaid allegation has been levelled because she is traceless. The accusation has been levelled against the husband of the victim and the other family



members.

It has been submitted on behalf of the petitioners that they have been made accused in this case only on presumption of the informant and that also because they are related to the husband of the victim.

The petitioner No. 1 is the wife of the nephew of the husband of the lady who is said to be traceless, whereas the petitioner No. 2 is her sister-in-law. The petitioner No. 3 is the mother-in-law of the victim.

It has further been submitted that according to his information, for reasons which are unknown to the petitioners, the so-called victim is hiding in the house of the informant only and for the purposes of pressurizing the accused persons including the petitioners, she is not coming out in open.

This Court does not find any such evidence in the case diary, which has since been received. However, in the police papers, there is no definite evidence with respect to the complicity of the petitioners.

True it is that the petitioners, as the family



members, are expected to know the whereabouts of another family member, but that cannot be the sole basis for prosecuting them for the offence of kidnapping.

Considering this aspect of the matter, the petitioners were granted provisional bail *vide* order dated 07.12.2021 and the case diary was called for.

As noted above, no definite material could be collected against the petitioners during the course of investigation.

Regard being had to facts afore-stated, the provisional bail granted to the petitioners, referred to above, is, hereby, confirmed. They shall remain on the same bail bonds.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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