

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36969 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- DARIYAPUR District- Saran

1. SADDAM HUSSAIN @ SADDAM MIYAN Son of Lal Babu Miyan Resident of Village - Jaitipur, P.S. - Dariyapur, District - Saran at Chapra (Bihar).
2. Samim Alam @ Samim Miya Son of Lal Babu Miyan Resident of Village - Jaitipur, P.S. - Dariyapur, District - Saran at Chapra (Bihar).
3. Ratnesh Kumar Son of Upendra Sah Resident of Village - Sajjanpur, P.S. - Dariyapur, District - Saran at Chapra (Bihar).
4. Saddam Alam Son of Mahamad Ali Resident of Village - Jaitipur, P.S. - Dariyapur, District - Saran at Chapra (Bihar).
5. Chandan Kumar Son of Mahesh Singh Resident of Village - Jaitipur, P.S. - Dariyapur, District - Saran at Chapra (Bihar).
6. Pappu Kumar Son of Lali Shah Resident of Village - Jaitipur, P.S. - Dariyapur, District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 449,
364, 505, 506 and 511 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners have antecedent of two cases but they have been



implicated in one case by Nikita Kumari and in the another case by the present informant.

Learned counsel for the petitioners draws the attention of this Court towards Annexure-3 to the anticipatory bail application where the statement of Tanuja Kumari was recorded under Section 164 Cr.P.C. to show that she along with Nikita Kumari on their own volition had left for Delhi and stayed there and from Delhi, Nikita Kumari went somewhere and she came back home. Learned counsel, thus, submits that from perusal of the statement of Tanuja Kumari recorded under Section 164 Cr.P.C., it would manifest that she has clearly stated that she along with Nikita Kumari had left for Delhi. Learned counsel further submits that she has not even remotely suggested or whispered about the petitioners that they also had role in their going to Delhi. Learned counsel next submits that though Tanuja Kumari and Nikita Kumari accompanied each other willingly but still an FIR came to be instituted by the father of Tanuja Kumari (Annexure-2) alleging that Tanuja Kumari was kidnapped by Nikita Kumari. Learned counsel very fairly submits that admittedly petitioners had no role in the occurrence nor Tanuja Kumari in her statement recorded under Section 164 Cr.P.C. has alleged even remotely against the petitioners but



then Nikita Kumari is not back though Tanuja Kumari in her statement under Section 164 Cr.P.C. has very clearly stated that Nikita Kumari from Delhi went somewhere else. Learned counsel also submits that at times police in mechanical manner submits charge-sheet even without proper investigation, as such, the petitioners' liberty would be at the mercy of the police. The law is clear that if no material comes during the course of investigation connecting the accused with an offence then mere filing of charge-sheet does not make him an accused and has remedy available under the law.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dariyapur P.S. Case No. 328 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



Further, in the event, if charge-sheet comes to be submitted against the petitioners the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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