

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33848 of 2022

Arising Out of PS. Case No.-64 Year-2019 Thana- HISUWA District- Nawada

1. VIJAY SINGH Son of Late Ram Swaroop Singh Resident of Village - Dhamaul, P.S.- Hisua, in the Distt. of Nawada.
2. Ajit Singh Son of Vijay Singh Resident of Village - Dhamaul, P.S.- Hisua, in the Distt. of Nawada.
3. Dhananjay Kumar @ Chhotan Singh @ Chhotu Singh Son of Vijay Singh Resident of Village - Dhamaul, P.S.- Hisua, in the Distt. of Nawada.
4. Mithilesh Singh Son of Late Krishnanandan Singh Resident of Village - Masathu, P.S. - Belchhi in the Distt. of Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-12-2022 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 regis-
tered for the offences punishable under Sections 323, 342 and
364(A)/34 of the Indian Penal Code.

In compliance of the order dated 19.12.2022, the
Superintendent of Police, Nawada is present in the Court and
assures that proper legal action would be taken against the
erring station house officer who did not institute the FIR in



pursuance of the order passed by the learned Chief Judicial Magistrate, Nawada for nearly six years.

Learned counsel for the petitioners submits that petitioners no. 1, 2 and 3 have antecedent of one case and petitioner no. 4 is a person with clean antecedent.

The informant alleges that accused persons including the petitioners came on 10.08.2013 and took his grandson Girani Chauhan on the pretext of job at a brickkiln in other State but they started taking domestic work from him till 20.08.2013 then Girani Chauhan returned back to home. It is further alleged that all the accused persons came to the house of the informant on 21.08.2013, started abusing him and searching Girani and when Girani came out from the house all the accused persons took him forcibly and chained him till 26.08.2013. It is further alleged that on 27.08.2013 when the informant went to the house of the accused persons they disclosed that Girani fled away and on 28.08.2013 accused came and demanded Rs.5,00,000/- as extortion for returning Girani and on protest informant was assaulted.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that initially a complaint case was instituted



which was sent by the learned Chief Judicial Magistrate, Nawada in the year 2013 to the concerned police station for instituting an FIR but the FIR came to be instituted in the year, 2019, as such, petitioners were completely unaware that any case was pending against them. It is next submitted that only in 2022, the police came knocking on the door when they came to know about the institution of the present case. It is also submitted that Girani Chauhan has come back and his statement was recorded under Section 164 Cr.P.C. and he has not supported the case of the prosecution.

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 Hisua P.S. Case No. 64 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



The personal appearance of the Superintendent of Police, Nawada is dispensed with.

(Satyavrat Verma, J)

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