

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62886 of 2021

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

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1. Sunil Kumar @ Sunil Paswan, aged about 41 years, S/o Late Shiv Jatan Paswan.
 2. Rajeshwar Paswan, aged about 47 years, S/o Late Shive Jatan Paswan.
 3. Anjani Kumar @ Anjani Paswan @ Amarjeet Paswan, aged about 28 years, S/o Rajeshwar Paswan.

All are R/o village- Banwaripur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Upadhyay, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 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-in-law of petitioner No. 1 has alleged



that his sister was ill-treated in her matrimonial home and ultimately was kidnapped and kept at an unknown destination.

It has been submitted on behalf of the petitioners that in fact the wife of petitioner No. 1 herself ran away from her house and out of a pre-consulted plan, the aforesaid case has been lodged raising accusation against the entire family members of petitioner No. 1.

The petitioner No. 2 is the elder brother of petitioner No. 1, whereas the petitioner No. 3 is the son of petitioner No. 2.

There is no definite material collected during the course of investigation, which could lend credence to the accusation against the petitioners.

Considering this aspect of the matter, some of the other relatives of petitioner No. 1 (ladies) have been granted anticipatory bail by this Court.

This Court further finds that when the case diary was called for in the connected matter, provisional bail was granted to petitioner No. 3 on the ground of his being a



young person who had been prosecuting his studies but was made accused in this case because all the other family members were also made accused in this case.

Considering the paucity of evidence with respect to the participation of petitioner Nos. 2 and 3 in the aforesaid occurrence, the *provisional bail* granted to petitioner No. 3, namely, Anjani Kumar @ Anjani Paswan @ Amarjeet Paswan is, hereby, confirmed. He shall remain on the same bail-bonds.

The petitioner No. 2, namely, Rajehwar Paswan, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-I, Danapur (Patna) in connection with Bihta P.S. Case No. 900 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

This Court is not inclined to grant anticipatory bail to petitioner No. 1, namely, Sunil Kumar @ Sunil Paswan,



who ought to have complete knowledge of the whereabouts of his wife. If at all, he has definite information that his wife is hiding in the house of her brother, that information ought to have been shared with the investigating agency. The petitioner No. 1, as the husband of the victim, is expected to know as to where is his wife.

For the reason of the relationship of the victim with petitioner No. 1, his prayer for grant of anticipatory bail is rejected.

However, if he (petitioner No. 1) surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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