

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69964 of 2021**

Arising Out of PS. Case No.-109 Year-2013 Thana- RUPAULI District- Purnia

1. Shabnam Devi W/o Shubash Rai Resident of Village - Khokan Tola Chausa, P.S.- Chausa, Distt.- Madhepura.
2. Subhash Rai Son of Haish Chandra Resident of Village - Khokan Tola Chausa, P.S.- Chausa, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Ms.Dr. Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      10-11-2022                      Heard both parties.

The petitioners apprehend their arrest in Rupauli (Mohanpur) P.S. Case No. 109 of 2013, registered for the offences punishable under Sections 364, 302, 201 and 34 of the Indian Penal Code.

Prosecution case in brief is that informant's sister Shabnam Devi was married with petitioner no. 2 Subhash Rai and there was loan of Rs. 1,70,000/- on petitioner no. 1. One month before, these petitioners along with co-accused Banke Bihari Paswan demanded Rs. 1,50,000/- from the informant as loan and when informant refused to pay, the accused persons threatened him. It is further alleged that son of the informant aged about 8 years old was kidnapped and killed by these



petitioners and co-accused Banke Bihari Paswan.

It is submitted that petitioners have been made accused in this case only on suspicion. Informant is not eye-witness of the occurrence. They are residing at a considerable distance where the dead body was recovered. During course of investigation, none of the witnesses identified these petitioners as assailants of the deceased.

However, counsel for State vehemently opposed the prayer for bail and submitted that petitioners are named in the FIR and sufficient material has come during course of investigation which show their complicity in the alleged occurrence. The present case was registered in the year 2013, and there is no explanation as to why the petitioners took almost ten years in moving their anticipatory bail application before this Court.

Considering the facts aforesaid, gravity of offence and materials available on record, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

vinita/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

