

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28438 of 2023

Arising Out of PS. Case No.-406 Year-2022 Thana- DEHRI TOWN District- Rohtas

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1. MANOJ KUMAR SINGH S/O RAM PRAYAG SINGH Resident of Village- Datauli, P.S.- Indrapuri, District- Rohtas.
 2. RANJU DEVI W/O MANOJ SINGH Resident of Village- Datauli, P.S.- Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kiran Kumari Sharma, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 365, 506 and 34 of the Indian Penal Code.

3. The informant alleges that her husband after having dinner went to sleep, in the morning she came from her parental house when she found her husband missing and his slippers were under the bed, further alleges that she along with her husband for the last two years were residing separately from her son, it is next alleged that her husband wanted to sell five *khatta* of land which was being objected by her son, thus alleges on the



basis of suspicion that her son and daughter-in-law abducted her husband.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a woman and have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that informant is not an eye witness to the occurrence, it is next submitted that there was a dispute in the family with regard to the daughter of the informant who is sister of petitioner no. 1, it is further submitted that the daughter of the informant after marriage left her husband and fled with someone and thereafter again she came back to her parental home but the petitioner no. 1 was objecting the same, this precisely was the reason for the dispute in the family.

5. The learned counsel next submits that the allegations as alleged in the FIR is also vague, general and omnibus in nature as the informant does not disclose which land her husband was intending to sell which the petitioner no. 1 was objecting. It is further submitted that the date of occurrence is 06.06.2022 and the FIR came to be instituted on 09.06.2022 i.e., after a delay of three days. It is next submitted that petitioner no.



1 is having dispute with his own uncle against whom he had instituted Dehri (T) Indrapuri O.P. P.S. Case No. 368 of 2019 and as such, his uncle instigated his mother to institute the present false case by way of after thought. It is further submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the investigating officer of the case for eliciting the truth and proving their innocence.

6. At this stage, learned counsel for the petitioners submits that as far as petitioner no. 2 is concerned, the allegation against her is also based on suspicion only.

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

8. 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 trial court 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 trial court where the case is pending/successor court in connection with Dehri (T) Indrapuri O.P. P.S. Case No. 406 of 2022 subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

9. Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner no. 1 despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner no. 1 forthwith after recording reasons.

10. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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