

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26946 of 2023

Arising Out of PS. Case No.-73 Year-2016 Thana- PIYAR District- Muzaffarpur

1. RAM KUMAR THAKUR @ BHOLU THAKUR Son of Ram Sagar Thakur
Resident of village-Patsara, P.S.-Piar, District-Muzaffarpur
2. PANKAJ KUMAR @ PANKAJ THAKUR Son of Ram Shankar Thakur
Resident of village-Patsara, P.S.-Piar, District-Muzaffarpur
3. MUKESH SAHNI Son of Maheshwar Sahni @ Maheshwari Sahni Resident
of village-Patsara, P.S.-Piar, District-Muzaffarpur
4. KAMLESH SAHNI Son of Maheshwar Sahni @ Maheshwari Sahni
Resident of village-Patsara, P.S.-Piar, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 364, 365, 366(A) and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that accused persons, including the petitioners, came to his house in the night of 27.09.2016 and kidnapped his son, who was sleeping.



Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case for the reason that father of petitioner no.2 had instituted Piyar P.S. Case No. 14 of 2016 against the side of the informant, including the informant, alleging that they had captured his land and had also brutally assaulted him, learned counsel next submits that falsity of the allegation manifests from the fact that date of occurrence is 27.09.2016 but no FIR was instituted and thereafter on 20.10.2016, i.e. after a delay of nearly more than 23 days, a complaint case came to be filed based on which the present FIR was instituted on 24.11.2016. Learned counsel next submits that petitioners were completely unaware that a complaint case has been filed against them and when the FIR came to be instituted, the petitioners did not come to know about the institution of the FIR as the police never made any endeavours to arrest them, it is further submitted that had the child of the informant been kidnapped, then an FIR or a complaint would have been promptly instituted but the delay in instituting the FIR casts an aspersion on the case of the prosecution, it is next submitted that during the course of investigation it has also transpired that informant is a person who carries criminal antecedent. Learned counsel next



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.

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 Piar P.S. Case No. 73 of 2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves when required, the learned trial court shall be at liberty to cancel their bail



bonds after recording reasons.

Let a copy of this order be sent to the concerned
police station by the learned trial court.

(Satyavrat Verma, J)

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