

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32084 of 2022

Arising Out of PS. Case No.-841 Year-2021 Thana- NAGAR District- Vaishali

Manoj Singh S/O Late Krishn Rai, Resident Of Village- Dighi Naya Tola, At Present Parwati Medical Shop, Station Road, P.S.- Sadar Hajipur, District- Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 363 and 365 of the Indian Penal Code.

As per the prosecution case, the petitioner working in Parvati Medical shop, threatened the son of the informant's elder brother and his tenant to vacate the building of the informant's elder brother within 15 days. The petitioner also told him to come to his shop with its document at 10 o' clock.



When the informant reached his house, the son of elder brother was not present at his house and he did not return to his house. Then the informant has got suspicion that the nephew of the informant might have been killed.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The informant in the FIR has not stated that it is the petitioner who abducted his nephew and the name of the petitioner has surfaced in this case on mere suspicion. Learned counsel has further submitted that the informant's nephew was partially mentally challenged and there was none in the family to look after him after the death of the informant's brother Krishna Deo Singh. It is the informant who abducted his nephew in order to grab the property. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that as per the para 16 of the case diary, there are sufficient materials against the petitioner for his active involvement in the crime alleged.

In view of the facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I



am of the view that no ground is made out for the grant of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected with direction to the petitioner to surrender the court below concerned within six weeks from the date of this order and learned court below will consider the prayer of bail of the petitioner in accordance with law without being prejudiced by this order.

(Chandra Prakash Singh, J)

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