

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42744 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- PIPRA District- East Champaran

1. SURENDRA BHAGAT @ SURENDRA KUSHWAHA Son of Rambhajan Bhagat Resident of village - Bairiya Banjariya, P.S. - Pipra, Distt. - East Champaran
2. Lalan Paswan @ Lalan Son of Late Ganesh Paswan Resident of village - Bairiya Banjariya, P.S. - Pipra, Distt. - East Champaran
3. Nandu Ram @ Nand Ram Son of Late Shivdhar Ram Resident of village - Bairiya Banjariya, P.S. - Pipra, Distt. - East Champaran
4. Prakash Paswan Son of Bigan Paswan Resident of village - Bairiya Banjariya, P.S. - Pipra, Distt. - East Champaran
5. Vipin Prasad @ Vipin Kumar Son of Late Jai Govind Bhagat Resident of village - Bairiya Banjariya, P.S. - Pipra, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2023 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 363, 341, 302, 420, 120B of the Indian Penal Code.

3. The complaint alleges that petitioners took her husband on pretext of providing job to a distant place, it is next alleged that on 27.07.2021, the husband of the complainant called her and informed that he has been kidnapped by the



accused persons, thereafter, alleges that on account of previous enmity, the complainant husband was killed by the accused persons on 06.08.2021.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the allegations as alleged in the complaint does not inspire confidence, it is next submitted that complainant herself alleges that her husband on 27.07.2021 had called and informed her that he has been kidnapped but still no case came to be instituted which amply demonstrates the falsity of the allegation, it is next submitted that the complainant alleged that her husband was killed on 06.08.2021, but then the complaint came to be instituted on 01.11.2021 i.e., after a delay of nearly more than 66 days, it is also submitted that even *postmortem* of the dead body was conducted which amply demonstrates that had the petitioners been involved in the occurrence then definitely efforts would have been made to conceal the body. It is further submitted that the complainant deliberately instituted the complaint case and not an FIR so that the police could not have promptly investigated the complaint.



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

7. 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 Pipra P.S. Case No. 30 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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