

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50834 of 2023

Arising Out of PS. Case No.-201 Year-2020 Thana- PIYAR District- Muzaffarpur

1. Tulsi Devi Wife Of Bindeshwar Ram Resident Of Village-Matlupur, Ps- Piar, Distt- Muzaffarpur
2. Rajesh Ram @ Raju @ Raju Ram @ Rajesh Kumar Son Of Bindeshwar Ram Resident Of Village-Matlupur, Ps- Piar, Distt- Muzaffarpur
3. Bajrangi Ram Son Of Ganga Ram Resident Of Village-Matlupur, Ps- Piar, Distt- Muzaffarpur
4. Ranjit Ram Son Of Shovit Ram Resident Of Village-Matlupur, Ps- Piar, Distt- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 At the outset, learned counsel for the petitioners submits that petitioner nos. 1 and 2 have already been arrested in this case, hence, this application survives only with respect to petitioner nos. 3 and 4.

2. In the aforesaid view of the matter, this application on behalf of petitioner nos. 1 and 2 is declared infructuous.

3. Heard learned counsel for the petitioner nos. 3 and 4 and learned APP for the State.

4. The petitioner nos. 3 and 4 in the present case are seeking pre-arrest bail in connection with Piar P.S. Case No. 201 of 2020 registered for the offences punishable under Sections



363, 365, 366, 370, 323, 504, 506, 34 of the Indian Penal Code.

They have got no criminal antecedent.

5. As per the prosecution story, on 22.07.2020 at about 04:00 A.M. when the informant's daughter went outside the house to attend nature call, the FIR named accused persons kidnapped her. When the informant went to the house of the accused persons to search for her daughter, they started abusing her and threatened to file a *Harijan* case against her. On 24.10.2020, when she went to the house of the petitioner no. 1 her son namely Rajesh Ram started abusing her and assaulted her by fists and slaps.

6. Learned counsel for the petitioner nos. 3 and 4 submits that the petitioner nos. 3 and 4 are innocent and have falsely been implicated in this case. It is submitted that the present FIR has been lodged after more than three months from the date on which the daughter of the informant went missing without any plausible reason.

7. Learned counsel further submits that the daughter of the informant was married and she was living in her maike due to illness after leaving her in-laws. It is further submitted that there are general and omnibus kind of allegations against these petitioners.



8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner nos. 3 and 4.

9. Having regard to the facts and circumstances of the case wherein the present FIR has been lodged after more than three months from the date on which the daughter of the informant went missing, the submission being that the daughter of the informant was married and she was living in her maikie being mentally ill with her parents after leaving her in-laws and that the petitioners have been falsely implicated on the basis of a general and omnibus kind of allegation and further that there is no plausible reason for lodging of the FIR after three months save and except that the informant is now trying to falsely implicate the petitioners, in the nature of the submissions, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 3 and 4 shall be released on bail in connection with Piar P.S. Case No. 201 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, East Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall



verify the criminal antecedent of the petitioner nos. 3 and 4 and in case at any stage it is found that the petitioner nos. 3 and 4 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 3 and 4. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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