

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57210 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- SHEOHAR District- Sheohar

1. PRIYANKA KUMARI W/O SANJEEV KUMAR RESIDENT OF-
BHAKURHAR, P.S.- BAIRGANIYA, DISTRICT- SITAMARHI
2. GAURAV KUMAR S/O VIJAY KUMAR GUPTA RESIDENT OF
SASAULA KHURD, P.S.- SHEOHAR, DISTRICT- SHEOHAR
3. VIJAY KUMAR GUPTA S/O LATE BABULAL SAH RESIDENT OF
SASAULA KHURD, P.S.- SHEOHAR, DISTRICT- SHEOHAR
4. USHA DEVI W/O VIJAY KUMAR GUPTA RESIDENT OF SASAULA
KHURD, P.S.- SHEOHAR, DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 363, 366/34 of the IPC.

The allegation against the petitioners is of kidnapping the
wife of informant.

It is submitted by learned counsel for the petitioners that
petitioners are quite innocent and have committed no offence.
They have been falsely implicated in this case due to grudge. No
such occurrence, in the manner as alleged, has ever taken place.
The allegation leveled against the petitioners is not specific



rather general and omnibus in nature. From perusal of the F.I.R. itself, it is clear that informant is the eye-witness of the kidnapping but he has lodged the F.I.R. after a delay of six days without giving any plausible explanation. Such delay in lodging the F.I.R., even after being the eye-witness, creates doubt about the prosecution case. It is further submitted that the informant in order to gobble up a loan amount of Rs.1 Lac given to him by the petitioners. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Sheohar P.S. Case No.140 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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