

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63770 of 2023

Arising Out of PS. Case No.-766 Year-2021 Thana- LAKHISARAI District- Lakhisarai

1. RAMBALAK SINGH S/o Deoki Singh R/o Village Ramchandrapur, P.S.-Pipariya, District-Lakhisarai.
2. RAMNATH SINGH @ RAMNATH SHARMA S/o Rambalak Singh R/o Village Ramchandrapur, P.S.-Pipariya, District-Lakhisarai.
3. RAJARAM SINGH @ RAJARAM KUMAR S/o Rambalak Singh R/o Village Ramchandrapur, P.S.-Pipariya, District-Lakhisarai.
4. JAI JAI RAM @ JAI JAI RAM KUMAR @ JAI JAI RAM KUMAR SINGH S/o Rambalak Singh R/o Village Ramchandrapur, P.S.-Pipariya, District-Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mrs.Madhuri Lata, APP
For the Informant	:	Mr. Ramakant Sharma, Senior Advocate Mr. Rakesh Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-10-2023 Heard learned counsel for the petitioners and learned senior counsel for the informant appearing along with the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Lakhisarai P.S. case No. 766 of 2021 registered for the offence punishable under Sections 365/34 of the Indian Penal Code.

3. As per the prosecution case, the allegation is that the informant's son has been abducted by unknown persons on a



vehicle. The vehicle has subsequently been found abandoned in a suspicious condition. The victim has been recovered on the same day, and as per the material in the investigation, taken note of by the learned Sessions Judge in the impugned order of rejection dated 19.08.2023, Investigating Officer (I.O.) was in contact with the abductors and on telephonic call, the victim has been released on the same day.

4. The learned counsel for the petitioners submits that implication of the petitioners, in the present case, is a sequel to the implications being made based on a civil dispute arising out of Lakhisarai P.S. case No. 690 of 2021 wherein the instant victim and his family members are accused persons. The prosecution parties have accused the petitioners in another case namely Lakhisarai P.S. case No. 621 of 2021 and thereafter in the instant case. Lakhisarai P.S. case No. 621 of 2021 culminated in submission of final form holding the case to be untrue and in fact recommending initiation of proceeding under Sections 182 and 211 of the I.P.C. against the informant. In the instant case also, the investigation concluded in a final form to the effect that the case is untrue. It is, however, a different matter that cognizance has subsequently been taken by the Court on 15.04.2023 giving rise to apprehension of arrest and



thereafter the petitioners have availed remedies. The petitioner Nos. 1, 3 and 4 have been made accused in two cases prior to the instant case. Petitioner No. 2 is accused in one case arising out of Lakhisarai P.S. case No. 621 of 2021 wherein charge-sheet has been submitted only for the offence under Section 504 I.P.C. In Lakhisarai P.S. case No. 103 of 2020, final form was submitted against the petitioner Nos. 1 and 4 but cognizance has been taken against petitioner No. 3. Having regard to the above circumstance, it is submitted that it is a case of false implication on extraneous considerations.

5. The learned senior counsel for the informant assisted by learned A.P.P. for the State, however, vehemently opposed the prayer for anticipatory bail. He has stated that the material which has been taken note of by the learned Sessions Judge, in the impugned order of rejection, indicates that the victim was actually in custody of the abductors.

6. Considering the rival submissions, the litigation preceding lodging of the present case and the result of investigation consistently being in favour of the petitioners, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.



7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. case No. 766 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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