

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67751 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- MADHEPUR District- Madhubani

1. Satyanarayan Sahu @ Satyanarayan Sah @ Satyana Sah Son of Late Raghu-nath Sahu R/o Mohalla- New Bus Stand, Ward No.10, Madhepur, P.S.- Madhepur, Dist.- Madhubani
2. Ramlal Sahu Son of Ramvilash Sahu R/o Ward No.12, Sarauni, Madhepur, P.S.- Madhepur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 68438 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- MADHEPUR District- Madhubani

Vivek Kumar Sah @ Vivek Kumar @ Vivek Kumar Gupta S/o- Ram Sograt Sah Resident of Village- Madhepur, Ward No 14 P.S. School Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67751 of 2024)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Vijay Anand

For the Opposite Party/s : Mr.Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 68438 of 2024)

For the Petitioner/s : Mr.Anju Mishra

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-12-2024 1. Heard the parties.

2. Since both the aforesaid applications arise out of the same Madhepur P.S. Case No. 279 of 2023, as such, both are taken up together and are being disposed by this common order.



3. The petitioners apprehends their arrest in connection with Madhepur P.S. Case No. 279 of 2023 registered under Sections 341 / 323 / 385 / 506 / 120 (B) of the I.P.C. later on Section 420 / 467 / 468 / 120(B) of the I.P.C. added.

4. As per the prosecution story on 03.11.2023 in the evening at about 8:00 P.M. the neighbour of the informant Shiv Shankar Panjiyar @ Chhedi Panjiyar came at the house of the informant and told the husband of the informant Shyamlal Sahu that Devkant Singh and Sanjay Singh were calling him near the medical shop of Shiv Kumar at Sanghat Chowk for some necessary talk. Thereafter, her husband came out of his house and went along with Shiv Shankar Panjiyar at Sangat Chowk. When he did not return after two hours, then the informant tried to talk with him on his mobile but his mobile phone was switched off. The informant has raised suspicion that Sanjay Singh, Devkant Singh and Shiv Shankar Panjiyar kidnapped her husband under criminal conspiracy inasmuch as a few days ago Devkant Singh and Sanjay Singh had demanded extortion from her husband and threatened him of dire consequences.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name



of the petitioners of Cr. Misc. No. 67751 / 2024 has transpired in this case during the course of investigation inasmuch as it has come during investigation that they used to talk with the victim on mobile. The petitioner no. 1 in Cr. Misc. No. 67751 of 2024 is the father of the victim whereas, the petitioner no. 2 is the staff of the petitioner no. 1. The informant, who is the daughter-in-law of the petitioner no. 1 of Cr. Misc. No. 67751 / 2024 has lodged the F.I.R. regarding kidnapping of her husband under a criminal conspiracy to protect / shield her husband from prosecution in Madhepur P.S. Case No. 273 / 2023 related to illegal transactions done by him in public distribution system, black marketing of rice etc. and after investigation the informant of the instant case was also implicated and Sections 420 / 467 / 468 / 120B of the I.P.C. was added vide order dated 06.07.2024 of the learned A.C.J.M. III, Jhanyharpur. However, during the course of investigation the husband of the informant was recovered and the prosecution came to conclusion that the present case has been filed on the advice of informant's "bhaisur" namely, Anand Lal Gupta @ Anand Lal Sahu. He further submits that informant has filed the case at the instance of her "bhaisur"- Anand Lal Gupta in order to create defence in favour of her husband, who is a P.D.S. Dealer and accused in



Madhepur P.S. Case No. 273 of 2023 registered under Sections 406, 420, 201, 120(B) of the I.P.C. and Section 7 of the E.C. Act. He next submits that anticipatory bail application of Rubi Kumari @ Rubi Devi, who is the informant of this case, has been rejected by this Court in Cr. Misc. No. 79879 of 2024.

6. Regard being had to the submissions made by the parties, taking into consideration the nature of allegation in totality and the fact that anticipatory bail application of the informant of the present case has been rejected by this Court in Cr. Misc. No. 79879 of 2024 , as such, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IIIrd, Jhanjharpur / concerned court in connection with Madhepur P.S. Case No. 279 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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