IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79879 of 2024

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

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Rubi kumari @ Rubi Devi W/o Shyam Lal Sahu R/o vill - Madhepur, P.S - Madhepur, District - Madhubani

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Dr. Indiwar Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 09-12-2024 1. Heard the parties.

2. The petitioner apprehends her 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.

3. 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 @ Chedi Panjiyar came at the house of the informant and told the husband of the informant 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 Sanghat 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

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has raised suspicion that Sanjay Singh, Devkant Singh and Shiv Shankar Panjiyar had kidnapped her husband under criminal conspiracy inasmuch as few days ago Devkant Singh and Sanjay Singh had demanded extortion from her husband and threatened him of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is the informant of this case, however, during course of investigation the husband of the petitioner was recovered and the prosecution came to conclusion that the present case has been filed on the advice of her “bhaisur” namely Anand Lal Gupta @ Anand Lal Sahu. He further submits that petitioner has not filed this case rather case was got filed at the instance of her “bhaisur” Anand Lal Gupta @ Anand Lal Sahu, 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. The petitioner is a “pardanasin” lady and has been misused by her “bhaisur”. He further submits that no offence under Sections 420, 467, 468, 120B of the I.P.C. is made out against the petitioner.

5. I have heard learned counsel for the parties and perused the impugned order. From perusal of the impugned order it is evident that during the course of investigation the case of

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extortion and kidnapping lodged by the informant- petitioner was found false rather it came to light that the husband of the informant-petitioner had voluntarily left his house and consequently Sections 420, 467, 468, 120B I.P.C. was added against the informant-petitioner and the co-accused. Learned Sessions Judge-III, Jhanjharpur, Madhubani while refusing the prayer for anticipatory bail has taken note of the fact that in paragraph no. 23 of the case diary it has come that the informant-petitioner Rubi Kumari @ Rubi Devi in order to save her skin in Madhepur P.S. Case No. 273 of 2023 related to misappropriation, black marketing and illegality in the public distribution system has lodged the false case of kidnapping. In paragraph no. 103 of the case diary the prosecution has found the case true under Section 420, 467, 468, 120B of the I.P.C. against the informant-petitioner and the co-accused.

6. Considering the gravity of offence, the severity of punishment and the fact that petitioner is the main accused, I am not inclined to extend the privilege of anticipatory bail to the petitioner. The same is rejected.

praful/-

(Anil Kumar Sinha, J)

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