

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.521 of 2025

Arising Out of PS. Case No.-11 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Rahim Mian S/O Late Nathuni Mian Resident of Village-Karasghat Tola, P.S- Mohammadpur, Distt.- Gopalganj.
2. Guddu Mian S/O Rahim Mian Resident of Village-Karasghat Tola, P.S- Mohammadpur, Distt.- Gopalganj.
3. Thakur Mian S/O Rahim Mian Resident of Village-Karasghat Tola, P.S- Mohammadpur, Distt.- Gopalganj.
4. Nasruddin Mian S/O Rahim Mian Resident of Village-Karasghat Tola, P.S- Mohammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Baikunthpur Police Station Case No. 11 of 2018, disclosing offences under Sections 364, 120(B), 201 of the Indian Penal Code.

3. As per the complaint-cum-FIR, on 12.08.2017, informant's son received a phone call on his mobile phone from petitioner no. 1 who called him for some urgent work at Dak Bangla Chowk. The informant's son went to the place where he



was called but did not return. When the informant and her husband enquired, they came to know that some relatives of the informant from Karasghat took her son towards Mohammadpur in a car. It has been alleged that all the accused persons have kidnapped the son of the informant for purpose of kidnapping and murder.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case on the basis of false and concocted story. The fact of the matter is that daughter of petitioner no. 1 was married to the son of the informant in the year 2014. There was marital discord between husband and wife for which the daughter of the petitioner no. 1 lodged Baikunthpur P.S. Case No. 101/2017 dated 03.05.2017 under Section 498A and other allied Sections of IPC against her husband i.e. son of the informant and others. After lodging of the F.I.R. by the daughter of petitioner No. 1 and sister of petitioner No. 2 to 4, the present false and concocted complaint-cum-F.I.R. has been lodged by the informant. Learned counsel next submits that in a maintenance case lodged by the daughter of the petitioner no 1 namely, Hajam Tara bearing Maintenance Case No. 275/2017, the learned Principal Judge Family Court, Gopalganj has passed the order of the maintenance dated 18-05-



2022 in favour of daughter of petitioner No. 1, directing the informant's son for payment of sum of Rs. 4000/- per month as maintenance. Petitioners were not having any information regarding the present complaint-cum-F.I.R. and when the police arrived at the house of the petitioners in October 2024 in their search, the petitioners got the information regarding the present case and took steps for anticipatory bail.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are related, the daughter of the petitioner No. 1 was married with the informant's son for which the daughter of the petitioner No. 1 had filed an F.I.R. prior to the present complaint-cum-F.I.R., I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gopalganj, in connection with Baikunthpur Police Station Case No. 11 of 2018, subject to the condition laid



down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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