

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 36590 of 2020**

Arising Out of PS Case No.-318 Year-2014 Thana- DESARI District- Vaishali

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1. Vinod Paswan, aged about 30 years, Male, Son of Late Bindeshwar Paswan, Resident of Dighi Kala, PS- Hajipur Sadar, District- Vaishali.
2. Mahesh Bhagat, aged about 40 years, Male, Son of Late Jhamlal Bhagat.
3. Amar Kumar, aged about 25 years, Male, Son of Mahesh Bhagat.  
Both resident of Mustafapur, PS-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate  
For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 29-06-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Desari PS Case No. 318 of 2014 dated 31.12.2014, instituted under Sections 366 and 120B of the Indian Penal Code.



4. The allegation against the petitioners, who are close relatives of the wife of the informant is that they had taken away the wife of the informant and had also taken away gold chain worth Rs. 40,000/- and Rs. 10,000/- from a box of the mother of the informant.

5. Learned counsel for the petitioners submitted that the case is totally false as the wife of the informant was a mature lady and there was also a son and there cannot be any question of the petitioners having taken her away. Further, it was contended that is also not believable that the petitioner no. 1, who is the brother-in-law of the informant i.e., the brother of the wife of the informant; petitioner no. 2, who is the husband of the sister of the wife of the informant and petitioner no. 3, who is the son of petitioner no. 2, would go to the house of the informant and stay there for the night, as there was no occasion for them to do so and at best, they could have gone to visit the wife of the informant. It was further submitted that the falsity of the case would also be clear from the fact that the date of occurrence, is said to be 05.06.2014, but no information or case was lodged before any authority and a complaint case was filed on 30.09.2014 i.e., after almost four months and finally, the FIR has been lodged on 31.12.2014. Learned counsel submitted that the petitioners were totally



unaware of the pendency of the case as till date, no steps have been taken against them, either by the police or the Court so as to make them aware that such a case is pending and only recently when they came to know of the case, they have moved for anticipatory bail before the Court below which has been rejected. Learned counsel submitted that the informant till date taking no interest in the case also shows that the allegations, at least as far as the petitioners are concerned, is not true. Learned counsel drew the attention of the Court to order dated 30.06.2020 in Anticipatory Bail Petition No. 1230 of 2020 of the Additional Sessions Judge, III, Vaishali at Hajipur by which the prayer for anticipatory bail of the petitioners has been rejected, to show that the same is only on the ground that the victim and her son have not been recovered. It was submitted that the petitioners have no concern with the affairs of the wife of the informant and she being a major, there is absolutely no occasion for them to forcibly take her away and that they had no reason to commit such act. Learned counsel submitted that if the allegations were correct and Rs. 40,000/- worth gold chain and Rs. 10,000/- cash were taken away by the petitioners, then also it is surprising as to why no complaint was made to the police by the mother of the informant.



6. Learned APP submitted that the petitioners are accused of taking away the wife of the informant and also that they were responsible for taking away of gold chain worth Rs. 40,000/- and Rs. 10,000/- cash.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge-16 cum-Additional Chief Judicial Magistrate-15, Vaishali at Hajipur in Desari PS Case No. 318 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, and further, (i) that one of the bailors shall be a close relative of the petitioners and (ii) that the petitioners shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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