

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34046 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

- =====
1. Yogendra Singh S/o Late Raja Lal Singh
 2. Manoj Singh
 3. Arjun Singh Both 2 & 3 are sons of Yogendra Singh
 4. Obha Devi @ Abha Devi W/o Manoj Singh All are R/o Haziapur, P.S. & District - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State assisted by the learned counsel for the complainant.

The petitioners are apprehending their arrest in Gopalganj Town P.S.Case No.111 of 2015 for the offences under Sections 364, 365, 366, 354,, 323, 302, 201/34 of the I.P.C.

Learned Senior counsel appearing on behalf of the petitioners submits that as per the F.I.R. an out and out malicious allegation has been made against the petitioners only because they are having properties adjacent to each other and there was some land dispute regarding possession of the same. Learned counsel for the petitioners further submits that though the occurrence is of the year 2014, the complaint has been filed after thirteen months

of the alleged occurrence for which no plausible explanation has been offered by the complainant or has been noted down anywhere in the case diary. Learned counsel for the petitioners further submits that though both parties were on litigating term, the allegation that the accused persons were stating that soon the girl would be sent back is also flimsy, as even though the daughter of the complainant could not be sent back by the accused persons, the informant had been sitting idle for about one year. Thus, the story of kidnapping of the complainant's daughter does not inspire confidence.

Learned counsel for the State submits that save and except the statement of the informant and the interested witnesses there is no material evidence in the case diary.

Considering the aforesaid facts and circumstances of the case, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the C.J.M., Gopalganj, in Gopalganj Town P.S. Case No.111/15 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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