

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34594 of 2015

Arising Out of PS.Case No. -19 Year- 2013 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

- =====
1. Ashok Kumar Singh S/o Raghupat Singh Resident of Village Kunda, P.S. Mufassil, District Aurangabad.
 2. Jitendra Singh @ Bhola Singh S/o Late Ramchandra Singh Resident of Village Khairi, P.S. Muffasil, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi W/o Rajendra Singh Resident of Village Khairi, P.O. Majurahi, P.S. Muffasil, District Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 25-08-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a protest –cum- complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 365 and 380/34 of the Indian Penal Code.

It is alleged that the petitioners and others came and kidnapped the mother-in-law of the informant. They also took away rupees two thousand and jewellery worth Rs.30,000/-.

Initially complaint was filed but after



complaint being transferred under Section 156(3) Cr.P.C. the police case was registered under Sections 341, 342, 323, 379 and 504/34 of the Indian Penal Code but on conclusion of the investigation the final form was submitted. The petitioner were not sent up for trial, final form was accepted and on the basis of protest-cum-complainant processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 365 and 380/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that the informant, Nirmala is the daughter-in-law of Jagmati, the victim lady who happens to be mother-in-law of petitioner no. 1 Ashok Kumar Singh and mother of petitioner no. 2 Jitendra Singh. Subsequently the victim has filed a petition to the effect that since the step sons and their wives used to torture her, hence, she went to Delhi in the company of petitioner no. 2. Though, in the initial paragraph of the said petition she supported the accusation against the petitioners. It is further submitted that the title suit is pending between the parties from before.

Considering the accusation levelled by the wife of step brother of petitioner no. 2 and the retracted version of the victim, let the above named petitioners be released on

anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 19 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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