

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35317 of 2015

Arising Out of PS.Case No. -187 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

1. Manik Chand Sah Son of Deodhar Sah
2. Chhedni Devi, Wife of Manik Chand Sah
3. Usha Devi, daughter of Manik Chand Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366, 364 and 120B of the Indian Penal Code.

The prosecution case is that the informant's daughter was married in 2009 with one Raju Kumar Sah and from their wedlock two children were born. On 13.03.2015, the informant received information that his daughter went traceless from her in-laws house when the son of the victim suggested to the informant that the accused persons including the petitioners took away the daughter of the informant.

It is submitted by learned counsel for the petitioners



that the petitioners are the relatives of the step brother's family of the husband of the victim and due to property dispute they have been roped in the present case. It is further submitted that Usha Devi was married with Rajesh Kumar Sah, son of the informant and at earlier point of time petitioner no.3 filed a case levelling accusation under section 498A IPC against her husband including the present informant in 2012. In 164 Cr.P.C. statement the victim has stated that she had gone to Purnea court in connection with a case of land dispute and while returning from the court, the accused persons including the petitioners put some cloth and soaked with some sedative and thereafter took her to Gaziabad where she started working in a school. After earning some money she returned to her home and conveyed to her husband about the incident. It is further submitted that the statement recorded under 164 Cr.P.C. is inconsistent to the accusation levelled in the first information report and due to the property dispute the entire family has been roped in. Hence, 164 Cr.P.C. statement does not inspire confidence.

Considering the inconsistency between 164 Cr.P.C. statement and the prosecution case as well as the accusation being not specific against the petitioners and the statement in paragraph 3 of the petition that the petitioners have not criminal antecedent,

let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Nagar (Sri Nagar) P.S. Case No.187 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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