

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38153 of 2015

Arising Out of PS.Case No. -241 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

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1. Umeshwar Prasad Singh son of Late Jai Narayan Singh alias Bechu Singh
 2. Sujeet Kumar Singh son of Umeshwar Prasad Singh Both residents of Village Chanda P.S. Sikrahata District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smriti Singh daughter of Bindeshwar Singh, resident of Bhimpura, P.S. Azimabad, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan
For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015 Heard learned counsels for the petitioners
and the State.

Petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
364/34 of the Indian Penal Code.

The accusation is kidnapping the sister of
the informant. The petitioners are father-in-law and brother-in-
law of the victim.

It is submitted by learned counsel for the
petitioners that initially Sekrehta P.S. Case No. 64 of 2011 was
registered with accusation under Section 498A of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act against
the petitioners. Apart from that a case under The Protection of



Women From Domestic Violence Act and other cases were also lodged at the hand of informant's side against the petitioners' side and thereafter the present case was registered with malicious accusation. The victim in her 164 Cr.P.C statement has stated that she was being kidnapped by unknown persons through Bolero vehicle when subsequently she got unconscious and next day in the morning she found herself in the same Bolero vehicle from where she somehow managed to escape when for the occurrence of 23.05.2014 at 4:00 P.M the First Information Report was registered on 24.05.2014 at 13:10 P.M which reflects that after return of the victim girl the present case was lodged. The victim in her 164 Cr.P.C statement has stated that some unknown persons have kidnapped but she suspected that unknown persons were set up by the in-laws family. Hence, even assuming the accusation, no offence under Section 364/34 I.P.C is made out against the petitioners.

It is submitted by learned counsel for the informant that victim was being tortured by the in-laws family, hence the cases were lodged against the in-laws by the victim.

Considering the 164 Cr.P.C statement of the victim which suggests only suspicion against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of

the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Bhojpur at Ara in connection with Ara
Nawada P.S. Case No. 241 of 2014, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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