

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34125 of 2015

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

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1. Rajendra Sah Son of Late Mahendra Sah
 2. Priti Devi Wife of Rajendra Sah
Both residents of village - Tara Nagar, P.S. K. Nagar, District - Purnea
 3. Budhni Devi Wife of Boudhi Sah
 4. Arvind Sah Son of Boudhi Sah
 5. Rabindra Sah Son of Boudhi Sah
 6. Ranju Devi Wife of Arvind Sah
All residents of village - Jagaili, P.S. K. Nagar, District - Purnea
 7. Prakash Sah Son of Late Jitendra Sah resident of village - Mohani, P.S. Kasba, District - Purnia
 8. Shiv Narayan Sah Son of Lakshmi Sah resident of village - Rahuwa, P.S. K. Nagar, District - Purnea
 9. Sujeet Kumar Sah Son of Shiv Narayan Sah
 10. Amit Sah @ Amit Kumar Sah Son of Shiv Narayan Sah
Both residents of village - Rahuwa, P.S. K. Nagar, District - Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 31-08-2015

Heard learned counsels for the petitioners,

State and the informant.

The petitioners are apprehending their 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 step brothers family of the husband of the victim and due to property dispute they have been roped in the present case. 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 Ghaziabad 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 Section 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.

It is submitted by learned counsel for the informant that due to the property dispute the victim was taken

to Ghaziabad.

Considering the inconsistency between 164 Cr.P.C. statement and the prosecution case as incorporated in the complaint as well as the accusation not being specific in statement under Section 164 Cr.P.C. and the statement in paragraph 3 of the petition that the petitioners have no criminal antecedent, 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 Judicial Magistrate, Ist Class, 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) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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