

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7391 of 2016

Arising Out of PS.Case No. -117 Year- 2013 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Naubalik @ Tippu Prasad Son of Late Subali Prasad resident of village -
Bhadaru Bigha, Police Station - Nagarnausha, District - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 18-02-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
364/34 of the Indian Penal Code.

The prosecution case is that on 28.05.2013
when the informant was in her house Surendra Yadav came and
informed that the son of the informant, namely, Ajit Kumar has
been abducted by Munni Prasad, Nitish Kumar, Kapil Prasad,
this petitioner and five unknown. The informant along with her
brother-in-law (Dewar) went to the house of Kapil Prasad and
asked from Shradha Devi why her husband, Dewar, son and five

unknown abducted the son of the informant then she replied since the son of the informant has performed marriage with the daughter of Shradha Devi he will be killed. It is further alleged that on 26.04.2013 the daughter of Kapil Prasad performed marriage with the informant son.

It is submitted by learned counsel for the petitioner that the prior to the lodging of the present case the daughter of Kapil Prasad, with whom the victim performed marriage, lodged Nagarnausa P.S. Case No. 54 of 2013 on 10.06.2013 against the victim, the informant's son and others levelling accusation under Sections 376 and 376/34 of the IPC and thereafter on recovery of Ajit he gave statement under Section 164 Cr.P.C. where he made accusation against the petitioner and others, but considering the 164 Cr.P.C. statement of the victim and the fact that the accusation has been levelled in the background of love marriage the petitioner was not sent up for trial but differing with the final form the cognizance has been taken. The petitioner is the uncle-in-law of the victim.

Considering the fact that on conclusion of investigation the petitioner was not sent up for trial, the accusation has been levelled in the background of performing love marriage of the victim when the niece of the petitioner and

the victim has already recovered, let the above named petitioner be released on anticipatory bail, in the event of 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Hilsa, Nalanda in connection with Chandi P.S. Case No. 117 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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