

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42641 of 2016

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Shankar Thakur, son of Late Rajnandan Thakur, Resident of village-
Orlahiya, Police Station- Sahiyara, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate.

For the Opposite Party : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-11-2016 Heard learned senior counsel for the petitioner and

learned counsels for the informant and the State.

The petitioner is apprehending his arrest in connection
with Sahiyara P.S. Case No. 98 of 2016 for the offences instituted
under Section 364 of the IPC.

The prosecution story, in brief, is that the informant's
son, namely, Munna Thakur, is married with Anchala Kumari,
daughter of the petitioner and was leading his conjugal life
happily. But the petitioner did not want to do Bidagiri of his
daughter with the informant's son and demanded the expenses of
marriage and due to this, the petitioner alongwith his son
kidnapped away the informant's son Munna Thakur and told that
until the expenses of marriage would return, his son would not be

free.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the father-in-law of the victim. The daughter of the petitioner had filed the complaint case for the offence under Section 498(A) IPC and other allied Sections on 08.07.2016. In retaliation to the said complaint case, the present case has been filed on 13.07.2016 alleging the date of abduction (the date of occurrence to be 02.06.2016). The delay in instituting the FIR has not been explained by the prosecution. The witnesses in paragraph nos. 8, 22 and 24 of the case diary have not supported the prosecution case. A malafide prosecution has been instituted against the petitioner.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Sahiyara P.S. Case No. 98/2016 on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)