

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30773 of 2016

Arising Out of PS.Case No. -98 Year- 2016 Thana -DUMRA District- SITAMARHI

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1. Yogendra Rai @ Yogendra Prasad Son of Late Ramchandra Rai
2. Pratibha Devi Wife of Yogendra Rai
3. Subhash Kumar Son of Yogendra Rai
All are residents of village - Belahiya, P.S. Bajpatti, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Promod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Bal Mukund Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in connection with
Dumra P.S. Case No. 98 of 2016 dated 07.04.2016 instituted under
Sections 364A/302/120B of the Indian Penal Code.

The allegation against the petitioners is of kidnapping the
brother of the son-in-law of petitioners no. 1 and 2.

Learned counsel for the petitioners submits that
petitioners no. 1 and 2 are in-laws of the son of the informant. It is
submitted that the daughter of petitioners no. 1 and 2 and sister of
petitioner no. 3 was married to another son of the informant and due
to torture and demand of dowry a case was registered, in which order
was passed to pay Rs. 4,000/- per month maintenance. Learned
counsel submits that in that background, the present case has been
registered so as to coerce the petitioners' family to come to a

compromise. Learned counsel submits that the allegations are *prima facie* unbelievable since, if on the one side the parties were on inimical terms and there was case against them, it cannot be believed that another son of the informant would go away at the instance of the petitioners. Learned counsel submits that the petitioners have clean antecedent.

Learned A.P.P., upon going through the case diary, submits that the parties are on litigating terms.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Dumra P.S. Case No. 98 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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