

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32392 of 2016

Arising Out of PS.Case No. -667 Year- 2015 Thana -FORBESGANJ District- ARRARIA

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1. Shyam Sunder Chaudhary Son of Late Shivrath Chaudhary
 2. Asha Devi wife of Shyam Sunder Chaudhary
 3. Pradip Yadav Son of Late Sukhdeo Yadav
 4. Sudhir Yadav Son of Ram Sunder Yadav
 5. Umesh Yadav Son of Late Bhutan Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Sri Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Prosecution case is that on 22.11.2015 at 1 P.M., the daughter of the informant namely Fool Kumari, aged about 16 years, was returning home with her maternal aunt, on the way, one Indica car was parked from which Chandra Kishore Chaudhary, son-in-law of the informant along with his friends Umesh Yadav (petitioner no.5), Sudhir Yadav (petitioner no.4), Subhash Yadav, Rajesh Yadav, Pradeep Yadav (petitioner no.3)



came and abducted the minor daughter of the informant through the Indica car with intention to perform marriage with her. It is also alleged that the petitioner nos. 1 and 2 being the parents of son-in-law of the informant used to torture her elder daughter Chanda Devi, as a result she was presently residing at her parents' house.

It is submitted by learned counsel for the petitioners that from the very accusation, it appears that the accusation of abduction has been levelled in the background of matrimonial dispute between Chandra Kishore Chaudhary, non-petitioner and elder daughter of the informant. Moreover, the thrust of accusation is against Chandra Kishore Chaudhary, who is not petitioner before this Court. Subsequently, the informant has retracted from the initial version and has filed a petition to the effect that her daughter was not kidnapped rather she went to her maternal aunt house. The said affidavit has been brought on record as annexure-2. Even assuming the accusation, no offence under section 498A IPC is made out against petitioner nos. 3 to 5, who are not the family members of son-in-law of the informant. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the nature of accusation and retracted

version of the informant, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Araria, in connection with Forbesganj P.S. Case No.667/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of the affidavit by the petitioners before the learned court below to the effect that they will regularly co-operate in the investigation. Non-cooperation in the investigation by the petitioners will give liberty to the learned court below to cancel the bail bonds of the petitioners.

Ashwini/-

(Dinesh Kumar Singh, J)

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