

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30442 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -MASRAKH District- SARAN

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1. Raj Kr. Singh @ Raj Kumar Singh, S/o Kailashpati Singh.
2. Kailash Singh, S/o Late Gorakh Nath Singh.
3. Hemanti Devi, W/o Kailashpati Singh.
4. Chanda Devi , W/o Dharmendra Singh, All R/o Village Kawalpura, P.S. Mashrakh, Distt.- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party No.2 : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Chandra Mohan Jha.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 21-08-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mashrakh P.S. Case No. 18 of 2017 registered under Sections 363, 366 and 366(A)/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that the victim, aged about 21 years, in her statement under section 164 Cr. P.C., specifically stated that no one has kidnapped her. She had gone Muzaffarpur according to her sweet will and also stated that this is a false case filed against the petitioners by her father-in-law. It is also submitted that on perusal of Annexure-4, it appears that earlier the victim had also lodged an F.I.R. with regard to kidnapping of her daughter.



Learned Senior counsel appearing on behalf of the opposite party opposed the prayer of the petitioners with submission that since process under sections 82 and 83 Cr. P.C. has been issued, this application is not maintainable.

In reply, learned counsel for the petitioners submits that petitioners had filed an application before the Court below for not issuing the process under sections 82 and 83 Cr. P.C., which was kept on record vide order dated 06.07.2017, but the Court below without considering and deciding the aforesaid application, has issued the process under sections 82 and 83 Cr. P.C.

Having considered the facts and circumstances of the case and the rival submissions of the parties, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M.-8th, Saran at Chapra in connection with Mashrakh P.S. Case No. 18 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Shailendra/-

(Arvind Srivastava, J)

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