

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2100 of 2017

Arising Out of PS.Case No. -442 Year- 2016 Thana -SAHAYAK NAGAR District- KATIHAR

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Ashok Rajak, Son of Indradeo Rajak, Resident of Village - Kali Prasad, P.S.
- Pirpanti, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 27-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Katihar Town Sahyak P.S. Case no. 442 of 2016, registered under
Sections 364 and 120(B) of the Indian Penal Code.

The accusation is that on 01.06.2016,
complainant/informant Atul Kumar Rajak was going to sleep in his
room, after taking his dinner, at that time petitioner Ashok Rajak and
others came then informant made query and also identified them. In
the meantime, his son Rahul moved from the house with them on the
motorcycle, thereafter, his son did not return to the house. The
informant raised suspicion about kidnapping of his son by the
petitioner in connivance with other accused named in the complaint
petition.

Learned counsel for the petitioner submits that, in fact,
the petitioner is the father of Khusbu Kumari, wife of victim Rahul,
son of the informant of the present case, Dilip Rajak and Bhugwa



Rajak is uncle of Khusbu Kumari. Further submission is that Khusbu Kumari filed Complaint Case No. 1217 of 2016 in the court of Chief Judicial Magistrate, Katihar on which basis Katihar Town Sahayak P.S. Case No. 443 of 2016 was registered under Sections 323, 307, 365, 447, 504 and 498 (A) of the I.P.C. and Section 3 / 4 of Dowry Prohibition Act against her father-in-law Atul Kumar informant of present case about torturing and also concealment of her husband Rahul with the help of one Sulekha Devi. Due to that reason, Atul Kumar filed the Compliant Case No. 1260 of 2016 on which basis present case has been instituted against the petitioner and his two brothers. Further submission is that the I.O has recorded the statement of Nisa Kumari and Khusbu, daughter and daughter-in-law of the informant of the present case and both have denied the allegation of present case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in connection with Katihar Town Sahayak P.S. Case No.442 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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